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OF THE

# First Legislative Assembly

OF

## MONTANA TERRITORY,

CONVENED AT BANNACK, DECEMBER 12, 1864.

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VIRGINIA CITY, MONTANA :

D. W. TILTON & CO.

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# COUNCIL JOURNAL

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# TERRITORIAL OFFICERS.

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GOVERNOR,  
SIDNEY EDGERTON, BANNACK.

---

SECRETARY,  
THOMAS FRANCIS MEAGHER, VIRGINIA.

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JUDICIARY,  
1st Dist. HEZEKIAH L. HOSMER, *Chief Justice*, VIRGINIA.  
2d " LORENZO P. WILLISTON, *Associate* " BANNACK.  
3d " LYMAN E. MUNSON, " " HELENA.

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U. S. DISTRICT ATTORNEY,  
EDWARD B. NEALLEY, VIRGINIA.

---

U. S. MARSHAL,  
GEORGE M. PINNEY, VIRGINIA.

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COUNCIL,  
BEAVER HEAD COUNTY. FRANK M. THOMPSON.  
EBENEZER D. LEAVITT.  
MADISON COUNTY. CHARLES S. BAGG.  
ANSON S. POTTER.  
ROBERT LAWRENCE.  
JEFFERSON COUNTY. NATHANIEL MERRIMAN.  
CHOTEAU, DEER LODGE, AND MISSOULA COUNTIES. FRANK L. WORDEN.

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ROBERT LAWRENCE, *President*.  
GEORGE HAYNES, *Secretary*.  
FRANK H. ANGEVINE, *Ass't Secretary*.  
ROBERT HEREFORD, *Engrossing Clerk*.  
JOHN C. RYAN, *Enrolling Clerk*.  
HARRISON G. OTIS, *Sergeant-at-Arms*.  
HARRIS GILLMAN, *Doorkeeper*.



# JOURNAL OF THE COUNCIL.

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## TERRITORY OF MONTANA.

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DECEMBER 12, 1864.

At the first session of the Legislative Assembly of the Territory of Montana, begun and held at the city of Bannack on Monday the 12th day of December, A. D. 1864, it being the day appointed by the Governor for the meeting of the Legislative Assembly, the following members of the Council appeared, produced their credentials, were sworn into office by the Hon. Lorenzo P. Williston, Associate Justice of the Supreme Court of the Territory of Montana, and took their seats, viz :

From the County of Beaver Head,—Frank M. Thompson and Ebenezer D. Leavitt.

From the County of Madison,—Charles S. Bagg and Anson S. Potter.

From the County of Jefferson,—Nathaniel Merriman.

From the Counties of Choteau, Deer Lodge and Missoula,—Frank L. Worden.

On motion of Mr. MERRIMAN, the Council elected Mr. Potter President *pro tem.* of the Council, whereupon the President *pro tem.* took the chair.

Mr. F. M. THOMPSON nominated Thomas J. Hosford for Secretary *pro tem.*, and there being no one else placed in nomination, a vote was had, and Mr. Hosford was declared elected Secretary *pro tem.*

On motion of Mr. THOMPSON, the Council adjourned till Thursday, ten o'clock A. M., December 15th.



THURSDAY, DECEMBER 15, 1864.

Council met pursuant to adjournment.

ROBERT LAWRENCE presented his credentials, and was sworn in, as a member of the Council, by Justice Williston, and took his seat.

On motion of Mr. LAWRENCE,

*Resolved*, That the Council proceed to permanent organization, by electing the following officers, in the order they are herein named, to wit:

President, Secretary, Assistant Secretary, Engrossing Clerk, Enrolling Clerk, Sergeant-at-Arms, Doorkeeper, Fireman and Page.

On motion of Mr. BAGG, that all officers be elected *viva voce*, R. Lawrence, receiving a majority of all the votes cast, was duly elected President of the Council; George Haynes, receiving a majority of all the votes cast, was duly elected Secretary; Frank H. Angevine, receiving a majority of all the votes cast, was duly elected Assistant Secretary; Robert Hereford, receiving a majority of all the votes cast, was duly elected Engrossing Clerk; John C. Ryan, receiving a majority of all the votes cast, was duly elected Enrolling Clerk; Harrison G. Otis, receiving a majority of all the votes cast, was duly elected Sergeant-at-Arms; Harris Gillman, receiving a majority of all the votes cast, was duly elected Doorkeeper; S. Chamberlain, receiving a majority of all the votes cast, was duly elected Fireman; and W. P. Edgerton, receiving a majority of all the votes cast, was duly elected Page.

On motion of Mr. THOMPSON, that the officers elected come forward and be sworn into office, the following persons, George Haynes, Frank H. Angevine, John C. Ryan, Robert Hereford, Harrison G. Otis, Harris Gillman, S. Chamberlain and W. P. Edgerton, appeared before the President, were duly sworn into office, and entered upon the discharge of their respective duties.

Mr. THOMPSON offered the following resolution :

*Resolved*, That the Secretary of the Council inform the House of Representatives that they have convened, formed a quorum, and elected R. Lawrence, President ; George Haynes, Secretary ; Frank H. Angevine, Assistant Secretary ; Robert Hereford, Engrossing Clerk ; J. C. Ryan, Enrolling Clerk ; H. G. Otis, Sergeant-at-Arms ; H. Gillman, Doorkeeper ; S. Chamberlain, Fireman, and W. P. Edgerton, Page, and are now ready to proceed to legislative business ;

Which was adopted.

On motion of Mr. THOMPSON, the Council adjourned until 2 o'clock, P. M.

#### AFTERNOON SESSION.

Council met pursuant to adjournment.

Mr. POTTER offered the following resolution :

*Resolved*, That a committee of three be appointed to notify the honorable House that the Council will be ready to meet them in Joint Convention at 10 o'clock, A. M., December 16, A. D. 1864, to hear any communication His Excellency Governor Edgerton may have to make to this Legislative Assembly ;

Which was adopted.

Whereupon the President appointed Messrs. Potter and Leavitt said Committee.

Mr. THOMPSON introduced the following resolution :

*Resolved*, That there be a committee of three appointed to draft rules for the government of this body ;

Which was adopted.

Whereupon the President appointed Messrs. Thompson, Bagg and Merriman said Committee.

Mr. LAWRENCE introduced the following resolution :

*Resolved*, That a committee of three be appointed to act with a committee from the House of Representatives of equal number, to report rules for the Council and House, in joint session ;

Which was adopted.

Whereupon the President appointed the following committee : Messrs. Thompson, Bagg and Merriman.



Mr. BAGG introduced the following resolution :

*Resolved*, That the Engrossing Clerk of this Council be empowered to employ so many persons, not to exceed three, as he may select to aid him in the duties of his office, to be paid out of the funds to be raised in this Territory ;

Which was adopted.

Mr. POTTER introduced the following resolution :

*Resolved*, By the Council of the Legislative Assembly of the Territory of Montana assembled, that the privileges and courtesies of this House be extended to the Governor and all United States appointees, also to all members of the bar of this Territory.

On motion of Mr. BAGG, the Council adjourned until to-morrow morning at 9 o'clock.

Journal adopted.

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FRIDAY, DECEMBER 16, 1864.

The Council met pursuant to adjournment.

Upon calling the roll, the following members were present : Messrs. Bagg, Leavitt, Merriman, Potter, Worden and Mr. President. Absent, Mr. Thompson.

Upon motion of Mr. POTTER, the Doorkeeper was sent after the Sergeant-at-Arms, he being absent.

On motion of Mr. LEAVITT, the Sergeant-at-Arms was sent after Mr. Thompson, he being absent.

Message from the House, by Messrs. Smith and Stewart, members ;

MR. PRESIDENT:—We have been appointed by the House to inform your honorable body that the House will be ready to meet the Council this morning at 10 o'clock, to hear any communication the Governor may have to make, and to transact any other business that may properly come before the Convention.



Mr. BAGG then presented the following report :

MR. PRESIDENT :—The Select Committee on Rules have had the same under consideration, and direct me to report the following :  
Which were read to the Council.

On motion of Mr. BAGG, wherever the word Speaker occurs in the Rules, the word President be inserted instead, and where the word House occurs the word Council be inserted instead.

On motion of Mr MERRIMAN, the Rules were laid on the table.

The Council then adjourned to meet the House in Joint Session, to receive a communication from the Governor.

The Council returned from Joint Session with the House, and the President took the chair.

On motion of Mr. MERRIMAN the Rules were adopted.

On motion of Mr. LEAVITT, a copy of the Rules were to be furnished by the Engrossing Clerk to the President, each member, and the principal and assistant Secretaries.

The Council then adjourned until 2 o'clock, P. M.

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### AFTERNOON SESSION.

On calling the roll, all the members were present.

Mr. POTTER offered the following resolution.

*Resolved*, By the Legislative Council of the Territory of Montana: That the Sergeant-at-Arms be instructed to procure and furnish to the Enrolling and Engrossing Clerks of this body such rooms, fuel, stationery, etc., as they may need to enable them to perform the duties of their offices ;

Which resolution was withdrawn.

On motion, the Council adjourned to meet at 10 o'clock to-morrow morning.

SATURDAY, DECEMBER 17, 1864.

The Council met pursuant to adjournment.

Upon calling the roll, the following members were present: Messrs. Bagg, Leavitt, Merriman, Potter, Worden and Mr. President. Absent, Mr. Thompson.

Journal read and approved.

The President appointed the following Standing Committees of the Council:

1. *Ways and Means*—Messrs. Thompson, Potter and Worden.
2. *Judiciary*—Messrs. Thompson, Bagg and Leavitt.
3. *Internal Improvements*—Messrs. Merriman, Worden and Potter.
4. *Public Lands*—Messrs. Worden, Merriman and Potter.
5. *Federal Relations*—Messrs. Bagg, Thompson and Leavitt.
6. *Education*—Messrs. Merriman, Thompson and Bagg.
7. *Towns and Counties*—Messrs. Potter, Bagg and Merriman.
8. *Military Affairs*—Messrs. Bagg, Leavitt and Merriman.
9. *Incorporations*—Messrs. Leavitt, Potter and Worden.
10. *Agriculture and Manufactures*—Messrs. Potter, Thompson and Bagg.
11. *Elections*—Messrs. Potter, Thompson and Bagg.
12. *Indian Affairs*—Messrs. Thompson, Merriman and Worden.
13. *Mines and Minerals*—Messrs. Potter, Merriman and Bagg.
14. *Engrossment and Enrollment*—Messrs. Worden, Thompson and Merriman.
15. *Enrollment*—Messrs. Thompson, Leavitt and Worden.

Mr. MERRIMAN introduced the following resolution:

*Resolved*, That a committee of two be appointed to notify the honorable House that the Council will be ready to meet them in Joint Convention at 2 o'clock this afternoon, to hear any communi-

cation His Excellency Governor Edgerton may have to make to this Legislative Assembly;

Which resolution was not supported.

Mr. BAGG presented the following resolution:

*Resolved*, That the Clerk of the Council shall, as soon as practicable, furnish each representative member a list of the Committees to which they belong by appointment of the President;

Which resolution was adopted.

Mr. POTTER presented the following notice:

That on Monday next, or some subsequent day, I will introduce an act to locate the seat of government of Montana Territory.

Also an act to incorporate the Montana Gold and Silver Mining Company.

On motion of Mr. POTTER to suspend the rules to introduce a bill, the ayes and noes were demanded. Those who voted in the affirmative were Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President. No one voting in the negative.

It appearing that two-thirds of the members voted in the affirmative, the rules were suspended.

Mr. POTTER introduced Council Bill No. 1, an act to designate the style of the enacting clause of the Legislative Acts of the Territory of Montana; which was read the first and second times, and considered as engrossed. Rules suspended; read the third time, and then passed by the following vote: Those who voted in the affirmative were Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President. No one voted in the negative.

Mr. BAGG introduced the following resolution:

*Resolved*, By the Council (the House concurring) that in order to facilitate the districting of the Territory of Montana, a committee of one from the Council and one from the House be appointed to employ a competent person to draft a map of the Territory at as early a day as practicable.

Which resolution was adopted.

On motion of Mr. LEAVITT, the Council adjourned until 10 o'clock Monday morning.



MONDAY, DECEMBER 19, 1864.

The Council met pursuant to adjournment.

The roll was called, and the following members were present: Messrs. Bagg, Merriman, Potter, Thompson, Worden and Mr. President. Absent, Mr. Leavitt.

Journal of Saturday, December 17th, read and approved.

By Mr. MERRIMAN,

I hereby give notice that I will, on to-morrow, or on some subsequent day of the Session, introduce a bill granting a Ferry charter across Big Horn River, at or near the mouth of Big Horn Canon, or Pompey's Tower.

By Mr. MERRIMAN,

I hereby give notice that I will, on to-morrow, or on some subsequent day of the Session, introduce a bill for granting a Ferry across the Yellow Stone River, at or near the mouth of Yellow Stone Canon.

Mr. POTTER gave notice that on to-morrow, or some subsequent day, he would introduce a bill to incorporate the Beaver Head and Big Hole Bridge Company.

Mr. POTTER introduced Council Bill No. 2, an act to locate the seat of government of the Territory of Montana.

Read the first time, Council Bill No. 2, an act to locate the seat of government of Montana Territory.

Read the second time by its title.

Then, on motion of Mr. Leavitt, it was referred to the Committee on Town and Counties.

Mr. THOMPSON gave notice that on Tuesday, or some subsequent day, he would introduce a bill to incorporate the Historical Society of Montana.

A message from the House, by Mr. BROWN, their clerk:

*Resolved*, By the House of Representatives (the Council con-

curing), That in order to facilitate the districting of the Territory, judicially, and for representation, a committee of two, one from the Council and one from the House, be appointed to employ some competent person to draft a map of the Territory at as early a day as possible.

The following resolution was introduced by Mr. MERRIMAN:

*Resolved*, That a committee of three be appointed to notify the Honorable House that the Council will be ready to meet them in Joint Convention at 2 o'clock this afternoon, to hear any communication His Excellency Governor Edgerton may have to make to this Legislative Assembly;

Whereupon Messrs. Worden, Leavitt and Merriman were appointed said Committee.

Message from the House by Messrs. Smith and Courtwright:

Mr. PRESIDENT:—We have been appointed a Committee of two to inform your honorable body that the House of Representatives will be ready to meet you in Joint Convention at 2 o'clock this afternoon, to hear the Governor's Message.

Message from the House by Mr. BROWN, their clerk:

I am directed by the House to inform the Council that they have passed Council Bill No. 1, An Act to designate the style of the enacting clause of the Legislative Acts of the Territory of Montana.

Motion by Mr. BAGG, that the report of the Committee to inform the House be accepted, and the Committee discharged.

Mr. POTTER gave notice that on to-morrow, or some subsequent day, he will introduce a bill to regulate the location, pre-emption and holding of quartz mines.

By Mr. WORDEN,

I give notice that on to-morrow, or some subsequent day, I will introduce an act declaratory of the rights of occupants of the public domain, except as against the United States.

Also an act to prevent ranchmen and stablekeepers from using stock left with them, without the consent of the owners.

Also an act to create a lien in favor of ranchmen and others.

By Mr. BAGG,

Notice is hereby given that I will on to-morrow, or some subsequent day, introduce a bill to facilitate the agricultural interests of this Territory.

By Mr. MERRIMAN,

I hereby give notice that I will on Monday next, the 26th instant, or some subsequent day of the Session, introduce a bill granting a ferry charter across the Big Horn River, at or near the mouth of Owl Creek.

On motion of Mr. BAGG, the Council adjourned to 2 o'clock, P. M.

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#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

Roll called. Members all present except Messrs. Bagg and Potter.

The hour having arrived to meet the House in Joint Session, the Council adjourned to the House to hear any communication from His Excellency the Governor.

After returning from this Joint Session,

Mr. THOMPSON, from the Committee on Enrollment, reported Council Bill No. 1, correctly enrolled.

Mr. LEAVITT offered the following :

*Resolved*, That five hundred copies of the Governor's Message be printed for the use of the members of the Council of Montana.

The ayes and noes being demanded, those who voted in the affirmative were Messrs. Leavitt, Merriman, Thompson and Worden. Those who voted in the negative were Messrs. Bagg, Potter and Mr. President.

So the resolution was adopted.

Motion by Mr. THOMPSON,

That the Council go into Committee of the Whole on the Governor's Message on Thursday at 2 o'clock in the afternoon.

Adopted.

On motion of Mr. BAGG, the Council adjourned to to-morrow morning at 10 o'clock.



TUESDAY, DECEMBER 20, 1864.

The Council met pursuant to adjournment.

Upon calling the roll, the following members were present: Messrs. Bagg, Merriman, Potter, Thompson, Worden and Mr. President. Absent, Mr. Leavitt.

Journal of the 19th read and approved.

Mr. POTTER, from the Committee on Towns and Counties, reported Council Bill No. 2.

We beg leave to report back Council Bill No. 2, without amendment, and recommend its passage.

Signed,

A. S. POTTER,

CHAS. S. BAGG.

Minority report of Committee on Towns and Counties, beg leave to report back Council Bill No. 2, with the following amendments:

SEC. 1. Where the words "City of Virginia" occur in said section, to read "Jefferson City;" and where the word "Madison" occurs in said section, to read "Jefferson."

SEC. 2. To be amended as follows: The word "corporate" to be stricken out wherever it occurs in said section. Whenever the words "City of Virginia" occur, read "Jefferson City," and for "R. B. Parrot," in said section, insert "I. C. Buchanan of Beavertown;" and the words "of Virginia City" after R. B. Parrot's name to be stricken out.

Also, wherever the words "Virginia City" occur in sections 3, 4 and 5, to read "Jefferson City," and recommend the passage of said bill with the above amendments.

Signed,

NATHANIEL MERRIMAN.

On motion of Mr. THOMPSON, Council Bill No. 2 was made the special order for January 16, 1865.

By Mr. BAGG,

Notice is hereby given that I shall, on to-morrow, or some subsequent day, introduce a bill to regulate the sale of horses, mules and cattle at auction, in Montana Territory.

Mr. LEAVITT introduced the following:

I hereby give notice that on to-morrow, or some subsequent day, I shall introduce a bill to grant a charter to the Virginia City and Silver Bow Wagon Road Company.

Mr. MERRIMAN introduced the following:

I hereby give notice that I will, on to-morrow, or some subsequent day of the Session, introduce a bill to incorporate the Valparaiso Gold and Silver Mining Company.

By Mr. WORDEN,

On to-morrow, or some subsequent day, I will introduce a bill granting to R. F. Harris and others the right to have and maintain a ferry or bridge across the waters of the Yellow Stone River, on the road from Bozeman City to Yellow Stone City, on the "Cut off."

Mr. POTTER gives notice that on to-morrow, or some subsequent day, he will introduce a bill to incorporate the Big Horn and Gallatin Toll Road Company.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day of the Session, I will introduce a bill to prevent the burning of timber or grass.

Mr. POTTER gives notice that on to-morrow, or some subsequent day, he will introduce an act relating to counties and county officers.

And also a bill for the repeal of certain acts of the Idaho Legislature, named in said bill.

Message from the Governor, by Mr. EVARTS.

MR. PRESIDENT,—I am directed by the Governor to inform the Council that he has signed Council Bill No. 1, An Act to designate the style of the enacting clause of the Legislative Acts of the Territory of Montana.

Mr. WORDEN introduced Council Bill No. 3, an act declaratory of the rights of occupants of the public domain, except as against the United States.

Read the first time, and on motion of Mr. Thompson was referred to the Committee on Public Lands.

Mr. WORDEN introduced Council Bill No. 4, An Act to prevent ranchmen and others from using stock left with them, without the consent of the owners.

Read the first and second times, and ordered to be engrossed.

Upon the motion of Mr. Potter, the rules were suspended, and the bill read the third time, and passed by the following vote:

Affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President.

No one voted in the negative.

Mr. WORDEN, introduced Council Bill No. 5, An Act to create a lien in favor of ranchmen and others, which was read the first and second times.

On motion of Mr. Bagg, the bill was referred to the Committee on Judiciary.

Mr. MERRIMAN introduced Council Bill No. 6, An Act to authorize J. R. Malone and others to establish and maintain a ferry across Big Horn River, at or near the mouth of the Big Horn Canon, or Pompey's Tower, which was read the first time, and then referred to the Committee on Corporations

Mr. WORDEN introduced the following resolution:

*Resolved*, That the Judiciary Committee be, and are hereby, required to report at as early a day as possible both a civil and criminal code of procedure;

Which was adopted.

Mr. POTTER gave notice that on to-morrow, or some subsequent day, he will introduce a bill to confirm and legalize certain acts of the people prior to the organization of the Territory of Montana.

On motion of Mr. THOMPSON, the Council adjourned to 2 o'clock, P. M.

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### AFTERNOON SESSION.

Roll called. Members present, Messrs. Bagg, Merriman, Thompson, Worden, and Mr. President. Absent, Messrs. Leavitt and Potter.

Mr. BAGG introduced the following resolution:

*Resolved*, That the Sergeant-at-Arms of the Council procure to



the number of three, copies of the bound volumes of the late Idaho Statutes for the use and benefit of the members of this House, with as little delay as possible.

Adopted.

Mr. MERRIMAN introduced the following resolution :

*Resolved*, That the Sergeant-at-Arms procure a curtain forthwith for the front window of the Council Chamber.

Adopted.

Message from the House by Mr. BROWN, their clerk.

Mr. PRESIDENT,—I am directed to inform the Council that the House have passed Council Bill No. 4, An Act to prevent ranchmen and stable keepers from using stock left with them, without the consent of the owners, with the following amendment: That the word "twenty" be inserted between the words "of" and "five," in the tenth line of the first section.

By Mr. BAGG,

Notice is hereby given that I will introduce a bill for the consideration of the Council, on to-morrow, or some future day, concerning lost goods and estrays

By Mr. THOMPSON,

Notice is hereby given that I shall on to-morrow, or some future day of the Session, introduce an act to provide for the expenses of Montana Territory.

Mr. POTTER introduced Council Bill No. 7, An Act to incorporate the Beaver Head and Big Hole Bridge Company.

Read the first and second times, and referred to the Committee on Incorporations.

Upon motion of Mr. WORDEN, the Council concurred in the House amendment to Council Bill No. 4

Those voting in the affirmative were Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

None voted in the negative.

Message from the House, by Mr. BROWN, their clerk:

*Resolved*, By the House of Representatives (the Council concurring), That the Governor of the Territory be requested to fur-

nish both Houses of the Legislature, as soon as possible, a full report of all the votes polled at each different precinct of the Territory of Montana, at the last general election, called by the Governor for the election of members of the Legislature and delegate to Congress, on the 24th day of August, A. D. 1864.

Upon motion of Mr. BAGG, the said resolution was laid on the table till Thursday.

Message from the House, by Mr. BROWN, their clerk :

*Resolved*, By the House (the Council concurring), That each House proceed forthwith, or as soon as practicable, to the election of a committee of four, two from each House, to act in conjunction, and to report to their respective Houses a Civil and Criminal Code for the government of Montana Territory, and that said Committee be known as the Joint Code Committee.

On motion of Mr. BAGG, the said resolution was laid on the table.

Message from the House, by Mr. BROWN, their clerk :

*Resolved*, By the House of Representatives (the Council concurring), That in order to facilitate the districting of the Territory judicially, and for representation, a committee of two, one from each House, be appointed, to employ some competent person to draft a map of the Territory at as early a day as possible.

On motion of Mr. BAGG, the resolution was adopted.

Mr. Bagg was appointed upon said Committee on the part of the Council.

Orders of the day :

House Bill No. 9, An Act to repeal an Act entitled an Act to provide for a uniform system of Territorial and County Revenue, and for the assessing and collecting of the same.

Read the first and second times.

The rules were suspended, and the bill passed by the following vote :

In the affirmative, Messrs. Leavitt, Merriman, Potter, Thompson and Worden.

In the negative, Mr. President.

On motion of Mr. POTTER, the Council adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, DECEMBER 21, 1864.

The Council met pursuant to adjournment.

Roll called, and the following members were present: Messrs. Bagg, Merriman, Potter, Thompson, Worden, and Mr. President. Absent, Mr. Leavitt.

Journal of yesterday read and approved.

Mr. BAGG, of the Special Joint Committee, made the following report:

The Special Committee, under joint resolution, to employ a suitable person to draft a map for the use of the Legislative Assembly of Montana, beg leave to report, that he, in conjunction with the House Committee, appointed under joint resolution authorizing the same, have employed Capt. W. W. DeLacy, who is to furnish a map of the Territory of Montana within fifteen days from the 22d inst., for the sum of six hundred dollars; which map is to be further perfected after the districting of the Territory by the Legislative Assembly, and to be placed in the office of the Secretary of the Territory.

Report accepted, and the Committee discharged.

On motion of Mr. POTTER, the report of the Committee was adopted.

By Mr. MERRIMAN,

I hereby give notice that I will, on to-morrow, or some subsequent day of the Session, introduce an act to provide for the formation of Partnerships.

And also an act for the better observance of the Lord's Day.

Mr. POTTER introduced Resolution No. 1, Relating to the repeal of acts of a general nature, passed at the first session of the Idaho Legislature, so far as the same may apply to the Territory of Montana.

Read the first and second times, and on motion of Mr. BAGG, the same was referred to the Committee on Judiciary.



Mr. BAGG introduced Council Bill No. 8, An Act to regulate the sale of horses, mules, asses, jennies, and cattle, at auction, in Montana Territory.

Read the first and second times, and upon motion, the rules were suspended and the bill read the third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and the President.

In the negative, none.

Mr. THOMPSON, introduced Council Bill No. 9, An Act to provide for the expenses of Montana Territory

Bill read the first and second times.

On motion, the rules were suspended, and the bill read the third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and the President.

In the negative, none.

Mr. WORDEN introduced Council Bill No. 10, An Act granting to R. T. Harris and others the right to have and maintain a ferry or bridge across the waters of the Yellow Stone River, on the road from Bozeman City to Yellow Stone City, on the "cut off."

Bill read the first time, and on motion, referred to the Committee on Incorporations.

Mr. LEAVITT introduced Council Bill No. 11, An Act granting to C. R. Bissell and J. E. Bissell the right to build or construct a wagon road by the most direct route from the Silver Bow to the Jefferson River, located in Deer Lodge and Jefferson Counties; beginning at the Silver Bow Mines, in Deer Lodge County, and running up the south fork of the Silver Bow or Deer Lodge Creek to the summit of the Rocky Mountains, thence by the most direct route to the Jefferson River.

Bill read the first time, and on motion, was referred to the Committee on Incorporations.

Mr. MERRIMAN introduced Council Bill No. 12, An Act to incorporate the Valparaiso Gold and Silver Mining Company.

Bill read the first and second times, and on motion, was referred to the Committee on Incorporations.

Mr. POTTER introduced Council Bill No. 13, An Act to legalize certain acts of the people of Montana Territory.

Bill read the first time, and on motion, referred to the Committee on Judiciary.

Mr. MERRIMAN introduced Council Bill No. 14, An Act to prevent the firing of woods, prairies and other grounds.

Bill read the first and second times, and on motion, was referred to the Committee on Public Lands.

By Mr. POTTER,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill concerning chattel mortgages.

By Mr. THOMPSON,

I hereby give notice that on to-morrow, or some subsequent day of the Session, I will introduce a bill to incorporate the Beaver Head Mining Company.

Mr. THOMPSON introduced Council Bill No. 15, An Act to incorporate the Historical Society of Montana.

Bill read the first and second times, and on motion, was referred to the Committee on Education.

On motion of Mr. POTTER, the following House resolution:

*Resolved*, By the House, (the Council concurring), That each House proceed forthwith, or as soon as practicable, to the election of a committee of four, two from each House, to act in conjunction, and to report to their respective Houses, a civil and a criminal code for the government of Montana Territory, and that said Committee be known as the Joint Code Committee; was taken from the table and adopted, with the following amendment: After the word "Committee" insert "and have power to employ such clerk or clerks as they may require."

Messrs. Bagg and Thompson were elected to said Committee on the part of the Council.

On motion, the Council adjourned to 2 o'clock P. M.

## AFTERNOON SESSION.

Roll called. Present, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and the President. Absent, none.

By Mr. MERRIMAN,

I hereby give notice that I will, on to-morrow, or some subsequent day, introduce a bill granting a lien in favor of mechanics.

By Mr. LEAVITT,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to incorporate the North Side Ditch Company.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day, of the Session, I will introduce a bill for the location of tunnels.

By Mr. LEAVITT,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill for the preservation of fish and game in the Territory of Montana.

Mr. POTTER introduced Council Bill No. 16, An Act to incorporate the Big Horn and Gallatin Toll Road Company.

Bill read the first time, and referred to the Committee on Incorporations.

Mr. THOMPSON, of the Committee on Judiciary, made the following report:

The Judiciary Committee beg leave to report, that they have examined Council Bill No. 5, and recommend that the words "and a contract entered into between the parties" be inserted between the words "entrusted" and "for," fifth line of first section of said bill.

F. M. THOMPSON, *Chairman*.

Report accepted, with amendment, and the bill ordered engrossed for third reading.

Mr. LEAVITT introduced the following:

*Resolved*, That the Enrolling Clerk be empowered to employ one assistant clerk, to facilitate the enrollment of bills.



The following was introduced by Mr. POTTER :

*Resolved*, By the Legislative Council of the Territory of Montana (the House concurring), That a committee of one from the Council and one from the House of Representatives be appointed, and instructed to call upon His Excellency Governor Elgerton, and request of him an abstract of all the votes cast at a general election had and held on the 24th day of October, A. D. 1864, and that said abstract may set forth the number of votes polled in all organized and unorganized districts or precincts as nearly as possible.

Resolution adopted, and Mr. Potter appointed on the committee on the part of the Council.

Mr. BAGG introduced Council Bill No. 17. An Act concerning lost goods and estrays.

Read the first and second times, and referred to the Committee on Judiciary.

By Mr. THOMPSON,

I hereby give notice that on to-morrow, or some future day of the Session, I will introduce a bill to prevent the counterfeiting of gold dust, &c.

On motion of Mr. LAWRENCE, the Council adjourned to to-morrow morning at 10 o'clock.

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#### THURSDAY, DECEMBER 22, 1864.

The Council met pursuant to adjournment.

Upon calling the roll, those who were present were, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. None absent.

Journal of yesterday read and approved.

Mr. THOMPSON, Chairman of the Judiciary Committee, begs leave to make the following report :

That they have examined Joint Resolution No. 1, and recommend that the amendments attached to the bill be engrafted into it, and the resolution be laid on the table for the present.

Report accepted and adopted, and bill ordered to be engrossed.

Mr. WORDEN, Chairman of the Committee on Public Lands, begs leave to make the following report:

The Committee on Public Lands, to whom was referred Council Bill No. 3, An Act declaratory of the rights of occupants of the public domain, except as against the United States, have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

Report accepted.

Mr. THOMPSON, Chairman of the Judiciary Committee, begs leave to report:

That they have examined Council Bill No. 13, and would recommend that in first section, line 17, the word "same" be struck out and the words "the orders of such miners' courts, miners' clubs, claim clubs, people's courts, or Idaho courts," be inserted; and in line 20, section 1, that the word "same" be stricken out and the words "the action of said miners' courts, miners' clubs, claim clubs, people's courts, or Idaho courts," be inserted.

Report accepted and amendment adopted, and ordered to be engrossed for second reading.

Mr. THOMPSON, Chairman of the Committee on Enrollment, begs leave to report Council Bill No. 4 correctly enrolled.

Mr. WORDEN, Chairman of the Committee on Engrossment and Enrollment, begs leave to report:

That they have examined and found correctly engrossed Council Bill No. 5, An Act to create a lien in favor of ranchmen and others.

By Mr. BAGG,

Notice is hereby given that I shall to-morrow, or on some subsequent day, introduce a bill altering the name of the stream called Stinking Water to Mountain Stream.

Mr. THOMPSON introduced Council Bill No. 18, An Act to prevent the counterfeiting of gold dust.

Read the first and second time, and referred to Committee on Judiciary

Mr. THOMPSON introduced Council Bill No. 19, An Act to incorporate the Beaver Head Mining Company.

Read the first and second times, and referred to the Committee on Corporations.

Message from the Governor, by Mr. Everts, recommending officers for Deer Lodge County.

Message read and laid on the table.

Mr. MERRIMAN introduced Council Bill No. 20, An Act for the better observance of the Lord's Day.

Read the first time, and moved to indefinitely postpone the bill.

Ayes and noes were called for.

Those voting in the affirmative were, Messrs. Bagg, Leavitt and Potter.

Negative, Messrs. Merriman, Thompson, Worden, and Mr. President.

Not postponed, and the bill referred to the Judiciary Committee.

Mr. POTTER introduced Council Bill No. 21, An Act concerning chattel mortgages.

Read the first and second times, and referred to Committee on Judiciary.

Mr. THOMPSON offered the following resolution :

*Resolved*, That the use of the Council Room be allowed to those of the public who choose to meet for public worship on the Sabbath.

On motion of Mr. MERRIMAN, that the above resolution be referred to the Committee on Military Affairs, the ayes and noes being called, the following vote was cast :

In the affirmative, Messrs. Bagg and Merriman. Total, 2.

In the negative, Messrs. Leavitt, Potter, Thompson, Worden, and Mr. President. Total, 5.

The motion was lost.

On motion of Mr. THOMPSON, that the resolution be adopted, the ayes and noes being called for, the following vote was cast :

In the affirmative, Messrs. Leavitt, Thompson, Worden, and Mr. President. Total, 4.

In the negative, Messrs. Bagg, Merriman and Potter. Total, 3 ;

And the resolution was adopted.

Mr. POTTER introduced Council Bill No. 22, An Act relating to the discovery of gold and silver quartz leads, lodes or ledges, and of the manner of their location.

Read the first and second times.

On motion of Mr. LEAVITT, to suspend the rules and pass the bill, the motion was adopted, and the bill read the third time.

Laid on the table, and made the special order for 2 o'clock P. M., to-morrow.

By Mr. BAGG,

I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill concerning coal mines.

The Council adjourned until 2 o'clock P. M.

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#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

Roll called, and the following members were present: Messrs. Leavitt, Merriman, Potter, Thompson, and Mr. President. Absent, Messrs. Bagg and Worden.

On motion of Mr. MERRIMAN, the Sergeant-at-Arms was sent after Mr. Worden.

A motion of Mr. THOMPSON that the Governor's Message be made the special order for Monday at 2 o'clock P. M. was adopted.

By Mr. POTTER,

Notice is hereby given that on to-morrow, or some subsequent day, I will introduce a bill to prescribe the rate of interest in this Territory.

Mr. THOMPSON offered the following:

*Resolved*, That the Secretary of the Council be empowered to employ Mr. Hosford as an assistant, at such compensation as the Legislature may prescribe;

Which was adopted.

By Mr. POTTER,

Notice is hereby given that on to-morrow, or some future day of



the Session, I will introduce a bill concerning bills of exchange and promissory notes.

Message from the House by Mr. BROWN, their clerk :

Mr. PRESIDENT:— I am instructed to inform the Council that the House concurred in Council Bill No. 8, An Act to regulate the sale of horses, mules, asses, jennies and cattle, at auction, in Montana Territory.

Also, the following resolution of the Council :

*Resolved*, By the Legislative Council of the Territory of Montana (the House concurring), That a committee of one from the Council and one from the House of Representatives be appointed, and instructed to call upon His Excellency Governor Edgerton and request of him an abstract of all the votes cast at a general election had and held on the 24th day of October, A. D. 1864, and that said abstract may set forth the number of votes polled in all organized and unorganized districts or precincts as nearly as possible.

Mr. Matthew was appointed on said Committee on the part of the House.

Mr. POTTER offered the following :

*Resolved*, That the Engrossing Clerk of this Council be instructed to prepare and place upon each table in this House one copy of each and every bill, after its engrossment and before its final passage :

Which was adopted.

By Mr. MERRIMAN,

Notice is hereby given that I will, on to-morrow, or some future day of the Session, introduce a bill to protect the members of this House against the invasion of patriotic ladies.

By Mr. THOMPSON,

Notice is hereby given that on to-morrow, or some future day, I will introduce an act in relation to notaries public.

Mr. WORDEN, Chairman of the Committee on Engrossment and Enrollment, made the following report :

That we have examined, and found correctly engrossed Council Joint Resolution No. 1.

And have examined, and found correctly engrossed Council Bill

No. 13, An Act to legalize certain acts of the people of Montana Territory.

Council Bill No. 5, An Act to create a lien in favor of ranchmen and others.

Read the third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Potter, Thompson, Worden, and Mr. President. Total, 6,

In the negative, none.

Adjourned till to-morrow morning at 10 o'clock.

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FRIDAY, DECEMBER 23, 1864.

The Council met pursuant to adjournment.

Roll called, and the following members were present: Messrs. Bagg, Merriman, Potter, Thompson, Worden, and Mr. President. Absent, Mr. Leavitt.

Journal of yesterday read, corrected, and approved.

Message from the House by Mr. BROWN, their clerk.

MR. PRESIDENT:—I am instructed to inform the Council that the House have passed House Bill No. 22, An Act securing liens to mechanics and others, and respectfully ask your concurrence therein.

Message from the Governor :

*To the Honorable President of the Council :*

SIR:—I have this day approved an act entitled An Act to prevent ranchmen and stable keepers from using stock left with them, without the consent of the owner, the same being Council Bill No. 4.

Mr. THOMPSON, Chairman of the Judiciary Committee, begs leave to report :

That they have examined Council Bills Nos. 17 and 18, and report favorably thereon, and recommend their passage.

Also, that they would report against the passage of Council Bill No. 20.

Mr. MERRIMAN, Chairman of the Committee on Education, begs leave to make the following report:

MR. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 15, An Act to incorporate the Historical Society of Montana, have had the same under consideration, and would most respectfully report the same back without amendment, and recommend its passage.

Mr. POTTER, from the Special Committee to wait upon His Excellency Governor Edgerton, and request of him an abstract of all the votes cast at the last general election, begs leave to report:

That he has so called upon the Governor, and received information from him that he will furnish such abstract at an early day.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day of the Session, I will introduce a bill to incorporate the Jefferson City and Cottonwood Wagon Road Company.

Mr. THOMPSON introduced Council Bill No. 23, An Act in relation to notaries public.

Read first and second times, and referred to Judiciary Committee.

Mr. LEAVITT, introduced Council Bill No. 25, An Act to incorporate the North Side Ditch Company.

Read the first and second times, and referred to the Committee on Incorporations.

House Bill No. 22, An Act securing liens to mechanics and others, was then taken up.

Read first and second times, and referred to Judiciary Committee.

Council Bill No. 3, An Act declaratory of the rights of occupants of the public domain, except as against the United States, was read the third time, and on motion of Mr. BAGG was recommended to the Judiciary Committee.

Council Bill No. 13, An Act to legalize certain acts of the people of Montana Territory was read the third time, and passed by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

By Mr. BAGG,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to regulate proceedings in civil cases in the courts of Justice of Montana Territory.

The Council adjourned to 2 o'clock, P. M.

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### AFTERNOON SESSION.

The Council met pursuant to adjournment.

Roll called, and the following members were present: Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President.

Council Bill No. 22, An Act relating to the discovery of gold and silver quartz leads, lodes or ledges, and of the manner of location, was then taken up.

Mr. POTTER made motion to postpone the same to Wednesday next at 2 o'clock P. M.

Motion lost.

Mr. THOMPSON'S motion to amend the above bill was rejected, it not being in order.

Mr. THOMPSON'S motion to suspend the rules and order the above bill engrossed, was adopted.

On motion of Mr. BAGG, the amendment of Mr. Thompson was adopted, by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Thompson, and Worden.—5.

In the negative, Mr. Potter and Mr. President.—2.

Mr. WORDEN made motion to make the said bill the order of Wednesday next, at 2 o'clock P. M., which motion was lost by the following vote:

In the affirmative, Messrs. Potter, Worden, and Mr. President.—3.

In the negative, Messrs. Bagg, Leavitt, Merriman and Thompson.—4.



Motion made by Mr. WORDEN, that he be excused from voting, was lost.

Read the third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman and Thompson.

In the negative, Messrs. Potter, Worden and Mr. President.

Mr. THOMPSON, Chairman of Committee on Enrollment, begs leave to report Council Bill No. 8, as correctly enrolled.

Mr. LEAVITT offered the following :

*Resolved*, That every member of this Council presenting any bill, resolution or motion, shall present the same written in a plain, legible hand, and written on not less than every second line of the manuscript page, and to be presented without interlineation or erasure.

On motion of Mr. BAGG, the resolution was indefinitely postponed.

Message from the House by Mr. BROWN, their clerk :

MR. PRESIDENT:—I have the honor to inform the Council that the House have passed the following House Bills, viz :

No. 16, An Act fixing the time of meeting of the Legislative Assembly of the Territory of Montana.

No. 17, An Act fixing the age of majority, and

No. 28, An Act in relation to marks instead of signatures, which bills I herewith transmit to you for the approval of the Council.

Also, Council Bill No. 9, which the House concurred in without amendment.

The Council adjourned to 10 o'clock to-morrow morning.

SATURDAY, DECEMBER 24, 1864.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. THOMPSON, Chairman of the Judiciary Committee made the following report :

MR. PRESIDENT : — Your Judiciary Committee, to whom was recommitted Council Bill No. 3, beg leave to report that they have examined said bill, and would recommend that the words "acquired after the passage of this act," section 2, 4th and 5th lines, be stricken out, and the bill passed.

Amendment adopted.

By Mr. WORDEN,

Notice is hereby given that on Monday next, or some subsequent day, I will introduce a bill entitled An Act to create certain officers in the Territory of Montana, declaring to whom resignations shall be made, when offices shall be deemed vacant, and the manner of filling vacancies.

Mr. POTTER introduced Council Bill No. 26, An Act concerning bills of exchange and promissory notes.

Read first and second times, and ordered to be engrossed.

Mr. POTTER introduced Council Bill No. 27, An Act concerning crimes and punishments.

Read the first and second times.

The rules suspended.

Read the third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Mr. POTTER introduced Council Bill No. 28, An Act to regulate proceedings in criminal cases in the courts of justice in the Territory of Montana.

Read the first and second times, and ordered to be engrossed.

House Bill No. 16, An Act fixing the time of meeting of the Legislative Assembly of the Territory of Montana, was then taken up.

Read first and second times, and referred to special committee, consisting of Messrs. Potter, Worden and Leavitt.

House Bill No. 17, An Act entitled an Act fixing the age of majority, was read first and second times, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

House Bill No. 28, An Act in relation to marks instead of signatures, was read first and second times, and referred to Judiciary Committee.

Council Bill No. 3, An Act declaratory of the rights of occupants of the public domain, except as against the United States, was read third time.

Amendment of Mr. Lawrence adopted.

Motion of Mr. POTTER that the bill be recommitted to the Judiciary Committee was adopted.

Council Bill No. 15, An Act to incorporate the Historical Society of Montana was recommitted to Committee on Corporations.

Message from the House by Mr. BROWN, their clerk :

*To the Council :*

HOUSE OF REPRESENTATIVES, {  
December 24, 1864. }

MR. PRESIDENT :— The House instructs me to inform the Council that it has this day passed House Bills No. 1, and No. 14. House Bill No. 1, An Act to incorporate the City of Virginia; House Bill No. 14, An Act regulating the measure of damages in actions on express or implied contracts for the delivery of gold dust or silver bullion, which bills I herewith present to you for the approval of the Council.

Also a memorial and joint resolution relative to a proposed treaty with the Snake Indians, and respectfully request you to adopt the same.

Also, I herewith return Council Bill No. 22, An Act relating to the discovery of gold and silver quartz leads, lodes or ledges, and of the manner of their location, which has been unanimously concurred in by the House.

WM. L. BROWN, *Clerk*.

Council adjourned till 3 o'clock, P. M.

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### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called, and quorum present.

Mr. WORDEN, Chairman of Committee on Public Lands, made the following report :

Mr. PRESIDENT:—The Committee on Public Lands, to whom was referred Council Bill No. 14, entitled An Act to prevent the firing of woods, prairies and other grounds, have had the same under consideration, and beg leave to report the same back, and recommend its indefinite postponement, as a similar act is included in a bill now before the Council, concerning crimes and punishments

The bill was indefinitely postponed.

Mr. THOMPSON, Chairman of the Committee on Enrolled Bills, reports Council Bill No. 9, An Act to provide for the expenses of Montana Territory, correctly engrossed.

Mr. THOMPSON, Chairman of the Judiciary Committee, begs leave to report :

That said Committee have examined Council Bill No. 22, An Act securing liens to mechanics and others, and Council Bill No. 23, An Act in relation to notaries public, and Council Bill No. 24, An Act to prescribe the rate of interest in this Territory, and recommend their passage.



House Joint Resolution No. 1, A joint resolution and memorial, relative to a proposed treaty with the Snake Indians, was read the first time, and referred to Committee on Indian Affairs.

House Bill No. 14, An Act to regulate the measure of damages on express or implied contracts for the delivery of gold dust, or gold or silver bullion, was read first and second times, and referred to the Judiciary Committee.

House Bill No. 1, An Act to incorporate the City of Virginia, was read first and second times, and referred to the Committee on Incorporations.

Council Bill No. 17, An Act concerning lost goods and estrays, was read third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Council Bill No. 18, An Act to prevent the counterfeiting of gold dust, was read third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Council Bill No. 20, An Act for the better observance of the Lord's Day, was read the third time.

Motion of Mr. POTTER that said bill be rejected, was adopted.

Council adjourned till Monday morning at 10 o'clock.

## MONDAY, DECEMBER 26, 1864.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent, Messrs. Leavitt and Thompson.

Journal of Saturday read, amended, and approved.

Mr. POTTER, Chairman of a Special Committee, to whom was referred House Bill No. 16, An Act fixing the time of meeting of the Legislative Assembly of the Territory of Montana, would respectfully recommend that the words "first Monday of December" be stricken out, and "second Monday of November" be inserted instead thereof.

Report accepted, amendment adopted, and bill ordered to be engrossed.

Mr. THOMPSON, Chairman of Committee on Enrollment, reported Council Bill No. 22, An Act relating to the discovery of gold and silver quartz leads, lodes, or ledges, and the manner of their location, as correctly enrolled.

Mr. LEAVITT, Chairman of the Committee on Incorporations, made the following report:

MR. PRESIDENT:—Your Committee on Incorporations, to whom was referred House Bill No. 1, An Act to incorporate the City of Virginia, have had the same under consideration, and have instructed me to report the same back to the Council, with the following amendments, and to recommend the passage of said bill, with the amendments:

In the 3d line of section 21, of article 5, to amend by inserting after the word "gambling-house," the word "dance-house."

Also, in 8th line of section 1, of article 8, strike out the word "two" and insert the word "one" in lieu thereof.

And after the words "ten dollars for" strike out the word "each," and insert the word "said" in lieu thereof.

Amendments adopted, and report accepted.

By Mr. WORDEN,

I hereby give notice that on to-morrow, or some subsequent day of the session, I will introduce a bill entitled an act to prevent the trespassing of animals upon private property.

By Mr. THOMPSON,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill having for its object the dissolution of the bonds of matrimony heretofore contracted between Leonard A Gridley and Marinda E. Gridley.

Mr. POTTER, introduced Council Bill No. 29, An Act to incorporate the Montana Gold and Silver Mining Company.

Read the first and second times, and referred to the Committee on Incorporations.

House Bill No. 1, An Act to incorporate the City of Virginia, was considered as engrossed.

Read the third time, and passed by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Potter, Thompson, Worden, and Mr. President.—6.

In the negative, none.

On motion of Mr. POTTER, the rules were suspended, and Council Bill No 28, An Act to regulate proceedings in criminal cases in the courts of justice in the Territory of Montana, was read the third time, by its title, and passed by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

Council Bill No. 2, An Act in relation to notaries public, was read the third time, and passed by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

Council Bill No. 24, An Act to prescribe the rate of interest in this Territory, was read the third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

Council Bill No. 26, An Act concerning bills of exchange and promissory notes, was read the third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

House Bill No. 22, An Act securing liens to mechanics and others, was considered, and on motion of Mr. THOMPSON, the rules were suspended, and the bill read the third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

Mr. THOMPSON, of the Judiciary Committee, reports that they have examined the following bills :

Council Bill No. 3, An Act declaratory of the rights of occupants of the public domain, except as against the United States, and recommend its passage without other amendment.

House Bill No. 14, An Act to regulate the measure of damages in actions in express or implied contracts for the delivery of gold dust, or gold or silver bullion, and recommend its passage.

House Bill No. 28, An Act in relation to marks instead of signatures, and recommend its passage.

House Bill No. 14, An Act to regulate the measure of damages on express or implied contracts for the delivery of gold dust, or gold or silver bullion, was read the third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.



House Bill No. 28, An Act to provide for marks instead of signatures, was read the third time, and passed by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Potter, Thompson, Worden, and Mr. President.—6.

In the negative, Mr. Merriman.—1.

Mr. MERRIMAN introduced Council Bill No. 30, An Act to regulate certain acts of mining district recorders.

Read the first and second times, and referred to the Committee on Mines and Minerals.

On motion of Mr. MERRIMAN, the Council adjourned to 2 o'clock P. M.

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#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent, Mr. Leavitt.

Special order for to-day, to consider the Governor's Message, was, on motion of Mr. THOMPSON, postponed until 2 o'clock to-morrow.

Message from the House by Mr. BROWN, their clerk:

MR. PRESIDENT:—By leave of the House, I have the honor to inform the Council that they have approved and passed, without amendment, Council Bill No. 18; and also Council Bill No. 13, with the following amendment: Insert after the word "decision," in the second line of section 1, the following words, to wit: "except in cases of divorce;" which bills are herewith returned to the Council.

The House have also passed the following House bills:

No. 6, An Act incorporating the Rams Horn Ditch Company.

No. 15, An Act to legalize the books of the district recorders.

No. 27, An Act to incorporate the Missouri River and Rocky Mountain Wagon Road and Telegraph Company.

No. 31, An Act to authorize James Foster to construct a bridge across the Gallatin River.

Which bills are herewith presented to you for the approval of the Council.

Mr MERRIMAN, of the Joint Committee to whom was referred enrolled Council Bills Nos. 2, 8, 9 and 17, have had the same under consideration, and reports them correctly enrolled, and ready for your signature.

Report accepted.

By Mr. THOMPSON,

I hereby give notice that on to-morrow, or some subsequent day of the session, I will introduce an act establishing a common school system for Montana Territory.

House Bill No. 27, An Act to incorporate the Missouri River and Rocky Mountain Wagon Road and Telegraph Company. was read the first and second times, and on motion of Mr. WORDEN, the rules were suspended, and the bill was read the third time by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Potter, Thompson, Worden, and Mr. President.—6.

In the negative, Mr. Merriman.—1.

And passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Potter, Thompson and Worden.—5.

In the negative, Messrs. Merriman and Mr. President.—2.

House Bill No. 15, An Act to legalize the books of district recorders, was read the first and second times, and referred to the Judiciary Committee

House Bill No. 31, An Act to authorize James Foster to construct a bridge across the Gallatin River, was read the first and second times, and referred to the Committee on Incorporations.

House Bill No. 6, An Act to incorporate the Rams Horn Ditch Company, was read the first and second times, and referred to the Committee on Mines and Minerals.

House Bill No. 16, was recommitted to Special Committee.

Council Bill No. 21, An Act concerning chattel mortgages, was read the third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson and Worden.—6.

In the negative, Mr. President.—1.

On motion of Mr. WORDEN, the Council adjourned to to-morrow morning at 10 o'clock.

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TUESDAY, DECEMBER 27, 1864.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent, Mr. Leavitt.

The Journal of yesterday read and approved.

Mr. WORDEN, from the Committee on Engrossment and Enrollment, reports :

That they have examined, and found correctly engrossed, Council Bill No. 3, An Act declaratory of the rights of occupants of the public domain, except as against the United States.

Mr. THOMPSON, from the Judiciary Committee, reports :

That they had under consideration House Bill No. 15, and as the Committee on Mines and Minerals have a similar bill under consideration, we ask that this bill be referred to that Committee.

Report accepted.

Mr. POTTER, from the Special Committee to whom was referred House Bill No. 16, An Act to fix the time of meeting of the Legislature, reports :

That they have had the same under consideration, and would respectfully recommend that said bill pass with the following amend-

ment: That the word "December," in 3d line of section 1 be stricken out, and the word "November" be inserted instead thereof.

The report was accepted, and amendment adopted.

Message from the Governor by Mr. HILL, his private Secretary :

EXECUTIVE OFFICE, BANNACK CITY, {  
December 26, 1864. }

*To the Hon. President of the Council:*

SIR:—I have this day approved Council Bill No. 9, An Act to provide for the expenses of Montana Territory.

Also, Council Bill No. 8, An Act to regulate the sale of horses, mules, asses, jennies, and cattle, at auction, in Montana Territory.

Also, Council Bill No. 22, An Act relating to the discovery of gold and silver quartz leads, lodes or ledges, and of the manner of their location.

Respectfully, Yours,

SIDNEY EDGERTON, *Governor.*

Mr. POTTER, introduced Council Bill No. 31, An Act relating to counties and county officers.

Read first and second times, and referred to Committee on Towns and Counties.

Message from the House :

*To the Hon President of the Council:*

SIR:—I hereby inform your honorable body that the House has concurred in and passed, without amendment, the following Council Bills :

No. 5, An Act to create a lien in favor of ranchmen and others.

No. 23, An Act in relation to notaries public.

No. 24, An Act to prescribe the rate of interest in this Territory.

No. 26, An Act concerning bills of exchange and promissory notes.

Which bills I return to the Council.

Also, the following House Bills have passed :

No 2, An Act to incorporate the Virginia City and Summit City Wagon Road Company.



No 20, An Act to authorize Zedekiah A. Stone and his associates to construct and keep a toll bridge across the Beaver Head River.

No. 21, An Act for the protection of wild game.

Which bills I herewith present to you, and respectfully solicit the concurrence of the Council upon the same.

WM. L. BROWN, *Clerk*.

Mr. THOMPSON introduced Council Bill No. 32, An Act to dissolve the bonds of matrimony existing between Leonard A. Gridley and Marinda E. Gridley.

Read the first and second times, and referred to a Special Committee, consisting of Messrs. Thompson and Merriman.

Mr. WORDEN introduced Council Bill No. 33, An Act to prevent the trespassing of animals upon private property.

Read first and second times, and referred to Judiciary Committee.

The House amendment upon Council Bill No. 13, by motion of Mr. BAGG, was not concurred in.

On motion of Mr. BAGG, the Council adjourned till 2 o'clock P. M.

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#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent, Mr. Merriman.

On motion of Mr. THOMPSON, the Council resolved itself into Committee of the whole to consider the Governor's Message, it being the special order for 2 o'clock P. M.

Mr. THOMPSON in the chair.

The message was read by the Secretary.

Motion of Mr. BAGG, that the Committee rise and report through their chairman approved.

Mr. THOMPSON made the following report :

MR. PRESIDENT :— As Chairman of the Committee of the whole, for the consideration of the Governor's Message, I beg leave to report that we have had the same under consideration, and have referred the different subjects treated therein to appropriate committee, as follows :

That portion from the commencement to the second sub-head to Committee on Internal Improvements.

That portion in reference to roads to the States to Committee on Incorporations.

That portion in reference to mining interests and seignorage act to Committee on Mines and Minerals.

That portion in reference to education to the Committee on Education.

That portion in reference to mail facilities, taxation, and national currency, to Committee on Ways and Means.

That portion in reference to penitentiary, to Judiciary Committee.

That portion in reference to Indian affairs, to Committee on Indian Affairs.

That portion in regard to agriculture, to Committee on Agriculture.

That portion in reference to the war and prospects of peace, to Committee on Federal Relations.

F. M. THOMPSON, *Chairman*.

The above report was adopted by the Council.

Mr. THOMPSON, from Committee on Enrollment, reported Council Bill No. 18, correctly enrolled.

Mr. LEAVITT, from Committee on Incorporations, made the following report :

MR. PRESIDENT :— Your Committee on Incorporations, to whom were referred the following bills, would respectfully report the same back, and recommend the following amendments, to wit :

In Council Bill No. 29, section 3, 4th line, strike out the word "two" and insert the word "five" before the words hundred thousand, instead thereof.

Also, in Council Bill No. 19, in section 6, 10th line, after the word "of," insert the words "this Territory and."

E. D. LEAVITT, *Chairman*.

The report was accepted, amendments adopted, and bill ordered to be engrossed for third reading.

Mr. POTTER introduced Council Bill No. 34, An Act to incorporate the Upper Jefferson Bridge Company.

Read first and second times, and referred to Committee on Incorporations.

House Bill No. 2, An Act to incorporate the Virginia City and Summit City Wagon Road Company.

Read first and second times, and referred to Committee on Incorporations.

House Bill No. 20, An Act to authorize Zedekiah A. Stone or his associates to construct and keep a toll bridge across the Beaver Head River.

Read the first and second times, and referred to Committee on Incorporations.

House Bill No. 21, An Act for the protection of wild game.

Read first time, and on motion of Mr. THOMPSON, laid on the table until the Indian title be extinguished in Montana Territory.

Council Bill No. 3, An Act declaratory of the rights of occupants of the public domain, except as against the United States.

Read third time, and passed by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

On motion of Mr. THOMPSON, the Council adjourned till tomorrow morning at 10 o'clock.

## WEDNESDAY, DECEMBER 28, 1864.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Journal of yesterday read, corrected, and approved.

Mr. MERRIMAN, from Special Committee, made the following report :

Mr. PRESIDENT:—The Special Committee to whom was referred Council Bill No. 32, An Act to dissolve the bonds of matrimony existing between Leonard A. Gridley and Marinda E. Gridley, beg leave to introduce the enclosed affidavit, and recommend the passage of the bill.

N. MERRIMAN,  
F. M. THOMPSON,  
*Committee.*

Mr. LEAVITT, from Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee on Incorporations, to whom was referred Council Bill No. 15, An act to incorporate the Historical Society of Montana, beg leave to report the same back without amendment, and recommend its passage.

E. D. LEAVITT, *Chairman.*

Mr. POTTER, Chairman of Committee on Mines and Minerals, made the following report :

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 15, An Act to legalize certain acts of mining district recorders, have had the same under consideration, and have instructed me to recommend that action on said bill be postponed indefinitely.

A. S. POTTER, *Chairman.*



Mr. POTTER, Chairman, from Committee on Mines and Minerals, reported as follows :

MR. PRESIDENT:—Your Committee, to whom was referred House Bill No. 6, An Act to incorporate the Rams Horn Ditch Company, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

A. S. POTTER, *Chairman.*

Mr. POTTER, from the Committee on Towns and Counties, reported as follows :

MR. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 31, relating to counties and county officers, have had the same under consideration, and would respectfully recommend that the blanks hereinafter mentioned be filled by words and figures as follows, to wit :

In Article 1st, Sec. 10th, 19th line, insert "First Monday in April" In blank in 20th line, insert "Sixty-five." Fill blank in 22d line by inserting "The 1st Monday of September." In 23d line insert "sixty-five."

In Article 1st, Sec. 12th, insert "First Monday in May, August, November, and February."

In Article 1st, Sec. 14, 6th line, insert "Ten." In 13th line, insert "Twenty."

In Article 1st, Sec. 27, 4th line, insert "County."

In Article 1st, Sec. 29, 2d line, insert "May."

In Article 1st, Sec. 34, 11th line, insert "Twenty-five."

In Article 2d, Sec. 1st, 8th line, insert "Five."

In Article 2d, Sec. 2d, 15th line, insert "Five Hundred."

In Article 3d, Sec. 1st, 9th line, insert "Five Thousand."

Also that two sections be added, as follows :

SEC. 4.—ARTICLE X.—That for the purpose of carrying into effect the provisions of this act, the county commissioners heretofore appointed, or who shall hereafter be appointed, shall, on the fifteenth day of March next, assemble at the county seat of their respective counties, and proceed to lay off or divide their respective counties into townships and precincts, and appoint three citizens in

each precinct to act as judges of elections; which election shall be conducted in all things according to law.

SEC. 5. This act shall be in force from and after its passage.

A. S. POTTER, *Chairman.*

Report accepted.

Mr. THOMPSON, of the Judiciary Committee, reports they have examined Council Bill No. 33, An Act to prevent the trespassing of animals on private property, and recommend its passage.

Mr. WORDEN, of Committee on Engrossment and Enrollment, reports that they have examined, and found correctly engrossed, Council Bill No. 19, An Act to incorporate the Beaver Head Mining Company.

Also, have examined, and found correctly engrossed, Council Bill No. 29, An Act to incorporate the Montana Gold and Silver Mining Company.

By Mr. THOMPSON,

I hereby give notice that I will, on to-morrow, or some subsequent day of the session, introduce an act to provide increased compensation to officers of this Territory.

House Bill No. 16, An Act fixing the time of meeting of the Legislative Assembly of the Territory of Montana.

Read the second time, and ordered to be engrossed.

Council Bill No. 19, An Act to incorporate the Beaver Head Mining Company.

Read third time, and passed by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Council Bill No. 29, An Act to incorporate the Montana Gold and Silver Mining Company.

Read the third time, and passed by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Council Bill No. 32, An Act to dissolve the bonds of matrimony existing between Leonard A. Gridley and Marinda E. Gridley.

Read the third time, and passed by the following vote :

In the affirmative, Messrs. Leavitt, Merriman, Thompson, Worden, and Mr. President. Total 5.

In the negative, Mr. Potter. Total, 1.

Mr. Bagg being excused from voting.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports that they have examined, and found correctly engrossed, House Bill No. 16, fixing the time of the meeting of the Legislative Assembly of the Territory of Montana.

Message received from the House :

HOUSE OF REPRESENTATIVES, {  
December 24, 1864. }

*To the Hon. President of Council :*

SIR : — I have the honor to inform you that the House has concurred in Council Bill No 21, An Act concerning chattel mortgages, which bill is herewith returned to the Council.

Also, that it has passed House Bills No. 32, An Act granting a charter to James Bridger and Robert Hereford, for a ferry across the Yellow Stone River, on the Bridger Cut-off;

No. 34, An Act providing punishment for certain offences;

And No. 35, An Act granting Robert Kelley and James F. Foreman a ferry and bridge privilege across the Missouri River.

Which bills I herewith transmit to the Council for its concurrence.

WM. L. BROWN, *Clerk.*

House Bill No. 16, An Act fixing the time of meeting of the Legislative Assembly of the Territory of Montana.

Read third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Mr. THOMPSON made a motion that the Council adjourn.  
Not adopted.

Mr. MERRIMAN, from Committee on Enrollment, reports that they have examined and found correctly enrolled, Council Bill No. 24, An Act to prescribe the rate of interest in this Territory;

Also, Council Bill No. 5, An Act to create a lien in favor of ranchmen and others.

Mr. POTTER, from Committee on Mines and Minerals, reported as follows:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 30, have had the same under consideration, and have instructed me to recommend that all after the enacting clause be stricken out, and the sections herewith transmitted be substituted instead thereof.

A. S. POTTER, *Chairman.*

Mr. WORDEN made a motion that Council Bill No. 30, An Act to legalize certain acts of mining district recorders, be read the third time.

Motion was lost.

Mr. POTTER made a motion that the bill be recommitted.

Motion adopted.

On motion of Mr. POTTER, the Council adjourned till 2 o'clock P. M.

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#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Leavitt and Thompson.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce an act concerning weights and measures.

By Mr. POTTER,

I hereby give notice that on to-morrow, or some subsequent day

of the Session, I will introduce a bill for the relief of the probate judge of Madison County;

Also, a bill to provide for the compensation of Henry Thompson for services rendered this Territory.

House Bill No. 34, An Act to provide punishment for certain offences.

Read first and second times, and referred to Committee on Indian Affairs.

House Bill No. 32, An Act granting to James Bridger and Robert Hereford the right to have and maintain a ferry across the Yellow Stone River at the crossing of Bridger's Cut-off;

Was read first and second times, and referred to Committee on Incorporations.

House Bill No. 35, An Act granting Robert S. Kelley and James F. Foreman a ferry and bridge privilege across the Madison River;

Was read the first and second times, and referred to Committee on Incorporations.

House Bill on Third Reading:

House Bill No. 6, An Act incorporating the Rams Horn Ditch Company;

Read the third time, and passed by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7,

In the negative, none.

Council Bill No. 15, An Act to incorporate the Historical Society of Montana.

Read the third time, and passed by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Worden and Mr. President. Total, 6.

In the negative, none.

Mr. Thompson was excused from voting.

Motion of Mr. BAGG, that the minority report of the Committee on Education be withdrawn and stricken from the roll was adopted.



House Bill No. 33, An Act to prevent trespassing of animals upon private property;

Was read third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President. Total, 6.

In the negative—none.

Council Bill No. 31, An Act relating to counties and county officers.

The report of the Committee being under consideration, to amend the bill, Mr. THOMPSON moved to amend the amendment by inserting the words “which shall be held at such time as may hereafter be determined.”

The ayes and noes being demanded, the following vote was cast:

In the affirmative—Messrs. Leavitt, Merriman, Thompson and Worden. Total, 4.

In the negative—Messrs. Bagg, Potter, and Mr. President.—3.

The amendment to the amendment was adopted.

On motion of Mr. THOMPSON to lay the bill on the table until the passage of an election law, the ayes and noes were called, and the following vote cast:

In the affirmative—Messrs. Merriman, Thompson, Worden, and Mr. President. Total, 4.

In the negative—Messrs. Bagg, Leavitt and Potter. Total, 3.

Motion adopted, and bill laid on the table.

By Mr. LEAVITT,

I hereby give notice that on to-morrow, or some subsequent day, I shall introduce a bill to incorporate the Centerville Mill and Mining Company.

Mr. POTTER, from the Committee on Mines and Minerals reported back, with amendments, Council Bill No. 30, An Act to legalize certain acts of mining district recorders;

Which was ordered to be engrossed.

Mr. WORDEN introduced Council Memorial No. 1, for a weekly mail from Virginia City via Silver Bow and Deer Lodge to Hell Gate, and from thence to Fort Owen and Willow Creek, and also to Jocko;

Which was read the first and second times, and referred to the Committee on Federal Relations.

The Council adjourned till 10 o'clock to-morrow morning.

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THURSDAY, DECEMBER 29, 1864.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. THOMPSON, of the Committee on Indian Affairs, reports that they have examined the memorial and joint resolution relative to a treaty with the Snake Indians, and recommend that the words "and Crow" be inserted between the words "Snake" and "Indians," in the title, and that thus amended the bill pass.

The report was accepted, and the amendment adopted and ordered to be engrossed.

Mr. LEAVITT, Chairman of the Committee on Incorporations, made the following report :

Mr. PRESIDENT : — Your Committee on Incorporations, to whom was referred House Bill No. 30, An Act to authorize Zedekiah Stone and others to construct and keep a toll bridge across the Beaver Head River, have had the same under consideration, and beg leave to report the same, with the recommendation that it pass,

Mr. LEAVITT, Chairman of the Committee on Incorporations, made the following report :

Mr. PRESIDENT : — Your Committee on Incorporations, to whom was referred House Bill No. 2, An Act to incorporate the Virginia City and Summit City Wagon Road Company, beg leave to report the same back, and recommend the following amendments :

Add after section 5 the following proviso :

*Provided*, Said right of way shall not interfere with previous

vested rights, nor with mining privileges without just and full compensation to parties injured by such right of way.

In Section 6, 13th line, strike out the word "three," before the word dollars, and insert the word "two," instead thereof. In 8th line of the same section, strike out the words "one dollar," and insert "fifty cents," in lieu thereof. In 9th line, strike out the words "one dollar," and insert the words "fifty cents," in lieu thereof. In 10th line, strike out the word "thirty," and insert the word "twenty," before the word "cents." In 11th line, strike out the word "thirty," and insert the word "twenty," before the word "cents." In 15th line, before the word "Highland," insert the words "toll gate at".

In Section 7, strike out the words, "or any part thereof that may be used."

In Section 8, 2d line, strike out the words "unless caused by floods or snows." In 9th line, insert the words "the President or Secretary," after the word "Company." In 18th line, after the word "justice," insert the words "one-half to the complainant and the other half—."

In Section 8, 4th line, after the word "toll," insert the words "at such time."

In Section 9, 1st line, after the word "wilfully," insert the words "and maliciously."

E. D. LEAVITT, *Chairman.*

The report was accepted, the amendments adopted and the bill ordered to be engrossed.

House Bill No. 15, on motion of Mr. THOMPSON, was laid on the table.

By Mr. MERRIMAN,

I hereby give notice, that on to-morrow or some subsequent day, I will introduce an act to provide for and regulate the rates of charges for the publication of legal documents.

By Mr. POTTER,

I hereby give notice that, on to-morrow or some subsequent day, I will introduce a bill to provide for the expenses of Montana Territory.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to incorporate the Bannack and Montana City Wagon Road Company.

Also, a bill to incorporate the Jefferson Town Company.

Mr. POTTER introduced Council Bill No. 36, An Act for the relief of the probate judge of Madison County.

On motion of Mr. THOMPSON, it was referred to a select committee of delegates from Madison County.

Mr. POTTER introduced Council Bill No. 35, An Act to provide compensation to Henry Thompson, for services rendered to the Territory;

Which was referred to a select committee, consisting of Messrs. Bagg, Leavitt and Merriman.

Mr. BAGG, of the Committee on Federal Relations, made the following report:

Mr. PRESIDENT:—Your Committee on Federal Relations, to whom was referred Memorial No. 1, have had the same under consideration, and ask leave to make the following report, with the following amendments:

After the words "Jack Valley," insert the words "have invited and received a large number of worthy and industrious inhabitants, and—."

After the words "to Jacks," "also a diverging line from Virginia City, Boulder, Beavertown, Jefferson City, Montana City, Jefferson County, Helena, Silver City, and Fort Benton, a weekly mail."

And the words "Montana Territory," after the words "Virginia City," wherever they occur in the Memorial.

CHAS. S. BAGG, *Chairman*.

Report accepted, amendments adopted and ordered to be engrossed.

Mr. MERRIMAN introduced Council Bill No. 37, An Act concerning weights and measures;

Which was read the first and second times, and ordered to be engrossed.

Mr. THOMPSON introduced Council Bill No. 38, An Act establishing a Common School System for the Territory of Montana ;

Which was read the first and second times, and referred to the Committee on Education.

Council adjourned to 2 o'clock P. M.

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### AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent, Messrs. Leavitt and Merriman.

Mr. MERRIMAN, from Joint Committee, made the following report :

Mr. PRESIDENT :— Your Joint Committee on Enrollment, to whom was referred Council Bills No. 18, An Act to prevent the counterfeiting of gold dust ; No. 23, An Act in relation to notaries public ; and No. 26, An Act concerning bills of exchange and promissory notes, beg leave to report them correctly enrolled, and ready for your signature.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports that they have examined, and found correctly engrossed, Council Bill No. 30, An Act to preserve the district records in relation to leads, lodes and ledges.

Mr. POTTER, of Special Committee, made the following report :

Mr. PRESIDENT :— Your Special Committee to whom was referred Council Bill No. 36, beg leave to report that they have had the same under consideration, and have instructed me to recommend the indefinite postponement of the same.

Report adopted.



Message from the Governor :

EXECUTIVE OFFICE, BANNACK CITY, }  
December 28, 1864. }

*To the Honorable President of the Council :*

SIR:— I have this day signed Council Bill No. 5, An Act to create a lien in favor of ranchmen and others.

Also, Council Bill No. 24, An Act to prescribe the rate of interest in this Territory.

Respectfully, Yours,

SIDNEY EDGERTON, *Governor.*

House Bill No. 20, An Act to authorize Zedekiah A. Stone and his associates to construct and keep a toll bridge across the Beaver Head River;

Was read the third time, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative—none.

Council Bill No. 30, An Act to legalize certain acts of mining district recorders ;

Was read third time, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative—none.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports that they have examined, and found correctly engrossed, House Memorial and Joint Resolution in relation to a proposed treaty with Indians.

On motion of Mr. BAGG, the Council adjourned to 10 o'clock to-morrow morning.

FRIDAY, DECEMBER 30, 1864.

Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent, Mr. Merriman.

Journal read, corrected, and approved.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT : — The Committee on Incorporations, to whom was referred Council Bill No. 7, have had the same under consideration, and beg leave to report the same back, with the following amendments, to wit :

Insert between sections 4 and 5 the following section, to wit :

SEC. 5. Said company shall build and keep in good repair the road westerly from said bridge or crossing of the Big Hole River during the time they shall collect toll on said bridge, and said road shall be, and is hereby declared a free road.

Section 6, strike out all after the word " toll " in 10th line.

Insert between sections 6 and 7 the following section, to wit :

SEC. —. No section or part of this act shall be so construed as to prohibit the county commissioners from exercising the same authority over said bridge as they are authorized to exercise over other licensed bridges ; and they may, after the expiration of two years, upon the petition of fifty bona fide citizens of the county in which said bridge is located, alter and fix the rates of toll.

E. D LEAVITT, *Chairman.*

On motion of Mr. BAGG, the bill and report were laid on the table.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee on Incorporations, to whom was referred Council Bill No. 34, An Act to incorporate the Upper Jefferson Bridge Company, have had the same under consideration, and have instructed me to report the same back, and recommend its passage with the following amendments:

In section 4, 8th line, strike out the word "ten" before the word "mills," and insert the word "five" in lieu thereof.

In section 5, 9th line, strike out the word "five," and insert the word "four" in lieu thereof.

In 15th line strike the words "and fifty cents."

In section 6, 5th line, strike out the word "ten" before "mills," and insert the word "three" in lieu thereof. Also, strike out the 12th, 13th, 14th and 15th lines.

E. D. LEAVITT, *Chairman.*

The report was accepted, amendments adopted and ordered to be engrossed.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 35, beg leave to report the same back, and recommend that it do not pass, it being in conflict with the provisions of House Bill No. 27, already passed.

Also, House Bill No. 31, with the recommendation that it do not pass, as the incorporator is one of the incorporators of House Bill No. 27, over the same route, and already passed.

E. D. LEAVITT, *Chairman.*

The report was adopted.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee on Incorporations, to whom was referred House Bill No. 32, have had the same under consideration, and beg leave to report the same back with the following amendments, to wit:

Section 1, 10th line, strike out the word "five," and insert the word "three."

We have also examined Council Bill No. 10, and recommend the following amendment:

Section 1, 7th line, strike out the word "four," and insert the word "three."

E. D. LEAVITT, *Chairman.*

The report was accepted, amendments adopted and ordered to be engrossed.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee on Incorporations, to whom was referred Council Bill No. 11, beg leave to report that they have had the same under consideration, and have instructed me to report the same back, and recommend its passage, with the following amendments:

Strike out all that portion after the word "toll," in 12th line of section 2, and insert in lieu thereof the following "For each wagon drawn by one pair of horses, mules, or cattle, three dollars, and for each additional pair of horses, mules, or cattle, the sum of fifty cents; for each man with horse or mule, fifty cents; for loose cattle, horses or mules, twenty-five cents per head; for sheep or swine, ten cents per head.

E. D. LEAVITT, *Chairman.*

The report was accepted, amendments adopted and ordered to be engrossed.

Mr. THOMPSON, of Committee on Indian Affairs, made the following report:

Mr. PRESIDENT:—The Committee on Indian Affairs, to whom was referred House Bill No. 34, An Act providing punishment for certain offences, beg leave to report that they have had the same under consideration, and have not been able to arrive at any conclusion as to what provision the bill contains, making it the duty of a Committee on Indian Affairs to make a report thereon, unless

it is that certain evil disposed white persons have been in the habit of selling whiskey that has been adulterated with fresh beef, dried apples, dried peaches, tea, tobacco and strychnine, to poor Indians who are the original inhabitants of our Mountain Territory, thereby rendering them unfit and incapable of appreciating their duty and rights as sovereigns of the soil.

Your Committee cannot censure with too much severity persons who have been in the practice of adulterating whiskey with tea, tobacco and strychnine, and selling or giving the same to Indians within the limits of this Territory, causing degradation, dissipation and intoxication. Your Committee also feel called upon to censure the carelessness of certain persons having connection with a certain class of Indians residing within this Territory, by which some of the fairer portion of them have become inoculated with certain infectious diseases, such as small pox, &c., and in many instances the disease has spread among the liege lords. If it is the intention of the proposed bill to correct some of these evils, as your Committee might infer, (it being referred to them,) they would most respectfully report the same back with the following Section to be attached as an amendment, to wit:

SECTION 7. No person or persons shall sell, barter, dispose of, or give to any Indian living within the limits of this Territory any spirituous or intoxicating liquors, whether the same be adulterated or unadulterated, under the penalty prescribed by the United States in An Act to regulate trade and intercourse with Indians in Indian countries.

Your Committee would recommend that in case the Council do not deem it proper to adopt the amendment proposed, the bill be passed as it now stands, or that it be recommitted to the Judiciary Committee.

All of which is respectfully submitted.

Messrs. THOMPSON, }  
MERRIMAN, } *Said Committee.*  
WORDEN, }

The report was received, and bill recommitted to the Judiciary Committee.



Mr. WORDEN, of Committee on Engrossment and Enrollment, reports that they have examined and found correctly engrossed, House Bill No. 2, An Act to incorporate the Virginia City and Summit City Wagon Road Company.

Also, that they have examined and found correctly engrossed, Council Memorial No. 1, asking for a weekly mail from Virginia City to the northward and westward.

By Mr. THOMPSON,

I hereby give notice that I will on some future day of the session, introduce a bill to incorporate the Rocky Mountain Gold and Silver Mining Company.

By Mr. BAGG,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill concerning the writ of habeas corpus.

Mr. MERRIMAN introduced Council Bill No. 39, An Act to provide for and regulate the rate of charges for publication of legal documents.

Bill read the first and second times, and referred to Committee on Ways and Means.

Mr. WORDEN introduced Council Bill No. 40, An Act creating certain officers in the Territory of Montana, declaring to whom resignations shall be made, when offices shall be deemed vacant, and the manner of filling vacancies.

Read first and second times, and on motion of Mr. BAGG was laid on the table, to lie till after the passage of an election law.

By Mr. POTTER,

I hereby give notice that on some subsequent day of the session, I will introduce a memorial asking of Congress an additional appropriation to meet the expenses of this Territory.

House Bill No. 2, An Act to incorporate the Virginia City and Summit City Wagon Road Company;

Was read third time, and on motion of Mr. BAGG laid on the table.

Council Memorial No. 1, for a weekly mail from Virginia City to Hell Gate, &c., was read and laid on the table until afternoon.

House Memorial and Joint Resolution No, 1, relative to a proposed treaty with the Snake Indians, was read the third time, and passed by the following vote :

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

On motion of Mr. THOMPSON, the Council adjourned to 2 o'clock P. M.

### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Members all present.

Message from the House :

HOUSE OF REPRESENTATIVES, {  
December 30, 1864. }

*To the Hon. President of the Council :*

SIR : — I have the honor to inform you that the House has approved the following Council Bills :

Council Bill No. 3, An Act declaratory of the rights of occupants of the public domain, except as against the United States ;

Council Bill No. 32, An Act to dissolve the bonds of matrimony between Leonard A. Gridley and Marinda E. Gridley ;

Council Bill No. 33, An Act to prevent the trespassing of animals upon private property :

Which bills are herewith returned to the Council.

Council Bill No. 15, An Act to incorporate the Historical Society of Montana Territory was rejected by the House, and laid on the table.

The following House bills have also been passed :

No. 36, An Act concerning attorneys and counsellors at law ;

No. 39, An Act to prohibit the sale of ardent spirits or fire-arms to Indians ;

No. 40, An Act to prevent the sale of intoxicating liquors to soldiers ;

No. 41, An Act regulating the width of roads.

Which bills I herewith transmit to the Council, and respectfully ask the concurrence of the same therein.

WM. L. BROWN, *Clerk*.

Mr. WORDEN, of Committee on Engrossment and Enrollment, reports that they have examined, and found correctly engrossed, House Bill No. 32, An Act granting a charter to James Bridger and Robert Hereford for a ferry across the Yellow Stone River on Bridger's Cut-off.

Also, that they have examined, and found correctly engrossed, Council Bill No. 37, An Act concerning weights and measures.

Mr. THOMPSON offered the following :

*Resolved*, That the Sergeant-at-Arms be required to furnish each member of the Council one copy of the Montana Post each week during the remainder of the session ; also two copies of such other papers as the members may select, if attainable.

On motion of Mr. BAGG, to lay the resolution on the table, the ayes and noes were demanded, and the motion was lost by the following vote :

In the affirmative—Mr. Bagg.

In the negative—Messrs. Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 6.

So the question recurred on the adoption of the resolution, which was carried by the following vote :

In the affirmative—Messrs. Leavitt, Merriman, Thompson, and Mr. President. Total, 4.

In the negative—Messrs. Bagg, Potter, and Worden. Total, 3.

House Bill No. 36, An Act concerning attorneys and counselors at law ;

Was read first and second times, and referred to Judiciary Committee.

House Bill No. 39, An Act to prohibit the sale of ardent spirits or fire-arms to Indians ;

Was read first and second times, and ordered to be engrossed for third reading.

House Bill No. 40, An Act to prevent the sale of intoxicating liquors to soldiers;

Was read first and second times, and ordered to be engrossed for third reading.

House Bill No 41, An Act to regulate the width of roads;

Was read first and second times, and ordered to be engrossed for third reading.

Council Bill No 37, An Act concerning weights and measures;

Was read third time, and on motion of Mr. WORDEN, was laid on the table until to-morrow.

Council Memorial and Joint Resolution No. 1, was read third time, and the following amendment was offered by Mr. MERRIMAN:

And also the beautiful and productive valleys of the Boulder, Prickly Pear and Little Missouri, in which are situated the towns and villages of Boulder, Beaver Town, Jefferson City, Montana City, Helena and Silver City, in the midst of a country unequalled for its gold and silver lodes, gulch and placer diggings, embracing an area of over one square miles, now containing a large population, which is rapidly increasing by the influx of many from other portions of the Territory.

The above amendment to be inserted after the word Territory, 5th line, on second page.

The amendment was adopted, and memorial ordered to be engrossed.

House Bill No. 32, An Act granting to James Bridger and Robert Hereford the right to have and maintain a ferry across the Yellow Stone River, at the crossing of Bridger's Cut-off.

Was read the third time, and passed by the following vote:

In the affirmative, Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Mr. MERRIMAN introduced Council Bill No. 41, An Act to incorporate the Jefferson Town Company.

Read first and second times, and referred to Committee on Incorporations.

On motion of Mr. THOMPSON, the Council adjourned to tomorrow at 10 o'clock A. M.

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SATURDAY, DECEMBER 31, 1864.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent—Messrs. Leavitt and Thompson.

On motion of Mr. BAGG, the Doorkeeper was sent after the Sergeant-at-Arms, and the Sergeant-at-Arms was sent after absent members.

The journal of yesterday was read and approved.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
December 30, 1864.

*To the Hon. President of the Council :*

SIR : — I am instructed to inform the honorable Council that the House has passed the following bills :

House Bill No. 8, An Act authorizing Franklin Ruff *et al*, to construct and keep a bridge or ferry across the Jefferson River, at or near the Point of Rocks ;

House Bill No. 44, An Act for the compensation of D. D. Chamberlain for services rendered and money expended ;

House Bill No. 45, An Act to incorporate the Town of Montana ;

No. 46, An Act creating the office of district attorney in each of the organized judicial districts of Montana Territory, and to define their duties, privileges and powers, and fixing their salaries.



Which bills I herewith transmit to you for the approval of the Council.

WM. L. BROWN, *Clerk*.

Mr. MERRIMAN, of the Committee on Enrollment, reports that they have examined, and found correctly enrolled, Council Bill No. 32, An Act to dissolve the bonds of matrimony existing between Leonard A. Gridley and Marinda E. Gridley.

Also, Council Bill No. 21, An Act concerning chattel mortgages.

Mr. POTTER introduced Council Resolution and Memorial No. 2, To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled;

Which was read the first and second times, and referred to the Committee on Federal Relations.

House Bill No. 39, An Act to prohibit the sale of ardent sprrits or fire-arms to Indians;

Was read the third time, and referred to the Judiciary Committee.

House Bill No. 40, An Act to prevent the sale of intoxicating liquors to soldiers;

Was read the third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, and Mr. President.—6.

In the negative—Mr. Worden.—1.

House Bill No. 41, An Act regulating the width of roads;

Was read the third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

House Bill No. 2, An Act to incorporate the Virginia City and Summit City Wagon Road Company, was considered, to which Mr. POTTER offered the following amendment:

That a section be inserted between sections 10 and 11, as follows, to wit:

The county commissioners of the county or counties through

which said road may pass, shall have the right at any time after three years, on petition of fifty citizens of the township or townships in which said road is located, to change and fix the rates of toll on said road.

Which amendment was adopted, and the bill was ordered to be engrossed for the third reading.

Council Bill No. 37, An Act concerning weights and measures was considered.

Mr. WORDEN made motion to strike out section 8, and insert the following amendment:

That it shall be the duty of each inspector to provide, at his own expense, all the necessary tools, marks and brands which he may require, and by reason thereof he shall receive no larger fee than may be allowed in accordance with the preceding section. Said fees shall be paid by the parties having weights and measures sealed and approved.

Which amendment was accepted and the bill was ordered to be engrossed.

Mr. THOMPSON introduced Council Bill No. 42, An Act to incorporate the Rocky Mountain Gold and Silver Mining Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports that they have examined, and found correctly engrossed, Council Bill No. 10, An Act granting to R. T. Harris and others the right to have and maintain a ferry or bridge over the Yellow Stone River.

On motion of Mr. WORDEN, Council Bill No. 7, An Act to incorporate the Beaver Head and Big Hole Bridge Company, was taken from the table, the amendments of the Committee were adopted, and the bill ordered to be engrossed.

Mr. THOMPSON, of the Judiciary Committee, made the following report:

MR. PRESIDENT:—The Judiciary Committee have had under

consideration House Bill No. 34, An Act providing punishment for certain offences, and recommend its passage.

Council Bill No. 39, An Act to provide for and regulate the rates of charges for the publication of legal documents, and recommend its passage.

Also, Council Bill No. 36, An Act concerning attorneys and counsellors at law, and recommend its passage.

Which report was adopted.

On motion of Mr. BAGG, Council Bill No. 39, An Act to provide for and regulate the rates of charges for the publication of legal documents ;

Was read the third time, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

Mr. POTTER, introduced Council Bill No. 43, An Act adopting the common law of England ;

Which was read the first and second times and referred to the Judiciary Committee.

House Bill No. 34, An Act to provide punishment for certain offences ;

Was read the third time, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

On motion of Mr. POTTER, the Council adjourned to 2 o'clock P. M.

## AFTERNOON SESSION.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent—Mr. Merriman.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

MR. PRESIDENT:—Your Committee on Incorporations, to whom was referred Council Bill No. 25, have had the same under consideration, and beg leave to report the same back, with the following recommendation:

Strike out all after the enacting clause, and adopt the substitute for said bill, herewith submitted.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports that they have examined, and found correctly engrossed, Council Bill No. 11. An Act granting to C. B. and J. E. Bissell the right to construct a wagon road from Silver Bow to the Jefferson River.

Also, have examined, and found correctly engrossed, Council Bill No. 34, An Act to incorporate the Upper Jefferson Bridge Company.

Mr. THOMPSON, of the Judiciary Committee, made the following report:

MR. PRESIDENT:—Your Judiciary Committee have had under consideration House Bill No. 39, An Act to prohibit the sale of ardent spirits, fire-arms or ammunition to Indians, and would recommend that section 2 be stricken out, and the following words inserted instead thereof: "Indians, as provided for by law of Congress, shall be competent witnesses in the trial of all causes embraced in the provisions of this act."

Also, Council Bill No. 43, An Act adopting the common law of England, and recommend its passage, with the following amend-

ments: That the 6th, 7th and 8th lines, and the word "law" in the 9th line, be stricken out.

Which report was accepted, amendments adopted, and Council Bill No. 43 was ordered to be engrossed.

The following message was received from the Governor:

EXECUTIVE OFFICE, BANNACK CITY, {  
December 31, 1864.

*To the Hon. President of the Council:*

SIR:—I have this day signed Council Bill No. 18. An Act to prevent the counterfeiting of gold dust;

Council Bill No. 21, An Act concerning chattel mortgages;

Council Bill No. 23, An Act in relation to notaries public;

Council Bill No. 26, An Act concerning bills of exchange and promissory notes;

And also Council Bill No. 32, An Act to dissolve the bonds of matrimony existing between Leonard A. Gridley and Marinda E. Gridley.

SIDNEY EDGERTON, *Governor.*

Mr. BAGG, of the Committee on Federal Relations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Memorial No. 2, beg leave to report the same back, with the following amendments:

Insert the word "Governor" before "Territorial Judges," in the third line from the last, in the preamble; and after "Congress" insert the words "as early as practicable."

By Mr. BAGG,

I hereby give notice that on to-morrow, or some subsequent day of the session, I will present a bill for the consideration of the Council, to incorporate the Montana Bridge Company, to construct a ferry and bridge across the Jefferson River, at or near the mouth of Big Hole.

By Mr. POTTER,

I hereby give notice that on to-morrow, or some subsequent day of the session, I will introduce an act to incorporate the Yellow Stone Anthracite Coal Company.



Mr. MERRIMAN introduced Council Bill No. 44, An Act to incorporate the Bannack City and Montana Wagon Road Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. LEAVITT introduced Council Bill No. 45, An Act to provide increased compensation to officers in this Territory;

Which was read the first and second times, and referred to the Committee on Ways and Means.

Mr. THOMPSON offered the following:

*Resolved*, That when the Council adjourns, it shall be until Wednesday, January 4, 1865, at the usual hour.

Which was adopted.

House Bill No. 44, An Act for the compensation of D. D. Chamberlain, for services rendered and money expended;

Was read the first and second times, and referred to a Special Committee, consisting of Messrs. Potter, Thompson and Merriman.

House Bill No. 15, An Act to incorporate the town of Montana;  
Was read the first and second times, and on motion of Mr. LEAVITT, the rules were suspended, the bill read the third time, and passed, by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

House Bill No. 46, An Act creating the office of district attorney in each of the organized judicial districts of Montana Territory, and to define their duties, privileges and powers, and fix their salaries;

Was read the first and second times, and referred to the Judiciary Committee.

House Bill No. 8, An Act authorizing Franklin Ruff and others to construct and keep a bridge or ferry across the Jefferson River, at or near the Point of Rocks;

Was read the first and second times, and referred to the Committee on Incorporations.

House Bill No. 10, An Act granting to R. T. Harris and others the right to have and maintain a ferry or bridge across the waters of the Yellow Stone River, on the route from Bozeman City to Yellow Stone City, on the Cut-off;

Was read the second time, and on motion of Mr. THOMPSON, the rules were suspended, and the bill was read the third time, and passed, by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

Mr. BAGG offered the following:

*Resolved*, That it shall be the duty of the Committee to whom was referred the Governor's Message, to report to the Council, on the respective sub-divisions, as referred, on Wednesday next.

Which was adopted.

Mr. MERRIMAN offered the following:

*Resolved*, That the Clerk of this Council be instructed to transmit no bills from this House to the House of Representatives, without the same be written in a plain and legible hand, and that a like favor be requested from the Clerk of the House of Representatives.

Council adjourned, till Wednesday morning at 10 o'clock.

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### WEDNESDAY, JANUARY 4, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent—none.

Journal of the 31st December was read and approved.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports:

That they have examined, and found correctly engrossed Council Memorial No. 1, asking for weekly mail from Virginia City to the northward and westward.

Also, have examined, and found correctly engrossed, Council Bill No 7, An Act to incorporate the Beaver Head and Big Hole Bridge Company.

Also, have examined, and found correctly engrossed, Council Bill No. 37, An Act concerning weights and measures.

Mr. BAGG, of Special Committee, made the following report :

Mr. PRESIDENT:—Your Committee to whom was referred Joint Resolution and Council Memorial No. 2, beg leave to report the same back, with the following amendments :

Strike out the words "drawn up on the basis of the other Territories of the United States," after the word "Territory," second line of the preamble, adding the word "it" before the word "provides;" also, would recommend its passage.

CHAS. S. BAGG, *Chairman.*

On motion of Mr. POTTER, the above report will be taken up on the third reading of the bill.

Mr. THOMPSON, of the Judiciary Committee, reports :

That they have had under consideration House Bill No. 46, An Act creating the office of district attorney of each of the organized judicial districts of Montana Territory, and to define their duties, privileges, powers, &c, and recommend that the word "also," in the 3d line of section 4, be stricken out, and the words "and ten per centum on" be inserted in the place thereof, and the bill passed as thus amended.

On motion of Mr. BAGG, the report of the Committee was accepted, and amendment adopted :

Mr. POTTER, of the Special Committee, made the following report :

Mr. PRESIDENT:—Your Special Committee to whom was referred House Bill No. 34, An Act for the compensation of D. D. Chamberlain for services rendered and money expended, beg leave to report that they have had the same under consideration, and have instructed me to report the same back, and recommend its passage, with the following amendment, to wit :

Strike out the words "six hundred" before the word "dollars," in the 3d line of section 1, and insert the words "three hundred and fifty" in lieu thereof.

On motion of Mr. BAGG, the report was accepted, and amendment adopted.

By Mr. BAGG,

I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill for the consideration of the Council, granting the right to use the waters of Wisconsin Gulch for milling and irrigating purposes to John S. Lott and M. H. Lott.

By Mr. POTTER,

I hereby give notice that on to-morrow, or some subsequent day of the session, I will introduce a bill to enable road, ditch, manufacturing and other companies, to become bodies corporate.

And also, an act to incorporate the Alder Gulch and Madison River Ditch Company.

Mr. BAGG introduced Council Bill No. 46, An Act concerning the writ of *habeas corpus* :

Which was read the first and second times.

The rules were suspended.

The bill was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President    Total, 7.

In the negative, none.

Mr. BAGG introduced Council Bill No. 47, An Act prohibiting certain games in Montana Territory ;

Which was read the first and second times, and referred to the Judiciary Committee.

Mr. MERRIMAN introduced Council Bill No. 48, An Act to authorize J. Weeks, A. T. Axe and J. Davidson to maintain a ferry across the Jefferson River ;

Which was read the first and second times, and referred to the Committee on Incorporations.

House Bill No. 2, An Act to incorporate the Virginia City and Summit City Wagon Road Company ;

Was read the third time, and passed, by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.    Total, 7.

In the negative, none.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
January 4, 1865. }

Mr. PRESIDENT:—I am directed by the House of Representatives to inform your honorable body, that they have passed the following bills :

Council Bill No. 30, An Act to preserve the district records in relation to leads, lodes and ledges, with the following amendments :

In 2d line of Section 1, strike out the words "or an abstract thereof."

In 3d line of section 1, instead of "ninety" insert "thirty."

In 3d line of section 2, strike out the words "or an abstract thereof."

In 6th line of section 2, instead of "ninety" insert "thirty."

In 7th line of section 2, after the word "passage," insert the word "and." Also, strike out all of the 8th line.

In the 6th line of section 3, after the word "cents," insert "to be paid by the district recorder."

Strike out all of section 4 after the word "approval," and insert "by the Governor."

House Bill No. 5, An Act to incorporate the Montana and Idaho Wagon Road Company.

Also, notice of introduction of the following bill :

On some future day a bill incorporating the Union Mill Company.

GEO. G. STEVENS, *Assistant Clerk.*

House Bill No. 36, An Act concerning attorneys and counsellors at law :

Was read third time, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

Council Memorial No. 1, for a weekly mail from Virginia City to Hell Gate, &c., was read the third time.

Mr. WORDEN offered a substitute for the same, which was adopted, and passed by the following vote :



In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

On motion of Mr. BAGG, the Council adjourned until 2 o'clock P. M.

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### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

All present.

On motion of Mr. BAGG, the Committee to whom was referred the Governor's Message, have one more week in which to make their report.

Mr. BAGG, of the Special Committee, made the following report :

Mr. PRESIDENT :—Your Special Committee, to whom was referred An Act to compensate Henry Thompson, report the same back without amendment, and recommend its passage.

Which was adopted.

Mr. THOMPSON, of the Committee on Ways and Means, reports :

That they have had under consideration Council Bill No. 45, An Act to provide increased compensation to officers in this Territory, and having taken into consideration that this Territory is just starting out as a body politic, with an empty treasury, and that a great share of the means of its population is expended as soon as produced, in developing the resources of the country rather than at present reproducing capital, and foreseeing the deplorable state of affairs which will exist if the Legislative Assembly should unwisely saddle upon the people of the Territory a large debt at this session, would recommend that all after the enacting clause be stricken out, and the enclosed sections be enacted in their place.

Motion of Mr. BAGG, that the report of the Committee be laid on the table, which motion was lost by the following vote :

In the affirmative — Messrs. Bagg and Leavitt.

In the negative — Messrs. Merriman, Potter, Thompson, Worden, and Mr. President.

Mr. WORDEN made motion that the amendment be adopted, which motion was lost by the following vote :

In the affirmative — Messrs. Potter, Thompson and Worden.

In the negative — Messrs. Bagg, Leavitt, Merriman, and Mr. President.

On motion of Mr. BAGG, Council Bill No. 45, was laid on the table, and made the special order for Saturday, January 7th, at 2 o'clock P. M., in Committee of the Whole

Mr. BAGG introduced Council Bill No. 49, An Act to authorize John S. Lott and M. H. Lott to use the waters of Misconsin Gulch ;

Which was read the first and second times, and on motion of Mr. BAGG, the rules were suspended, the bill was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Mr. THOMPSON offered the following :

*Resolved*, That the Secretary of the Council is hereby empowered, and is requested to have a general oversight of all the clerks of this body.

Which was adopted.

Mr. THOMPSON, of the Judiciary Committee, reports that they have examined Council Bill No. 47, An Act prohibiting certain games in Montana Territory, and would recommend its passage without amendment.

Which report was adopted.

On motion of Mr. BAGG, Council Bill No. 30, An Act to preserve the district records, in relation to leads, lodes and ledges, was referred, with amendments, to the Judiciary Committee.

House Bill No. 5, An Act to incorporate the Montana and Idaho Wagon Road Company ;

Was read the first time, and on motion of Mr. BAGG was rejected.

Council Bill No. 7, An Act to incorporate the Beaver Head and Big Hole Bridge Company;

Was read the third time, and recommitted to the Committee on Incorporations.

Council Bill No. 35, An Act to provide for the compensation of Henry Thompson for services rendered the Territory;

Was read third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Council Bill No. 37, An Act concerning weights and measures;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

Mr. THOMPSON offered the following:

*Resolved*, That the Committee on Incorporations be allowed to procure a map of the Jefferson, Big Hole, Madison and Gallatin Rivers, with the bridges and ferries already chartered specified thereon, provided said map shall not cost more than twenty-five dollars, for the use of the legislature.

Which was adopted.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day of the session, I will introduce an act relating to ferds.

And also, a bill granting a ferry across the Missouri River, at or near Fort Benton.

Mr. BAGG offered the following:

*Resolved*, That hereafter when the Council shall adjourn from its forenoon session to its afternoon session, and it shall not be specified to what time by the mover, it shall be to 2 o'clock of each day.

Which was adopted.

On motion of Mr. BAGG, the Council adjourned to 10 o'clock to-morrow morning.

THURSDAY, JANUARY 5, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

All the members present.

Journal of Saturday, December 31st, read, corrected and approved.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was recommitted Council Bill No. 7, An Act to incorporate the Big Hole and Beaver Head Bridge Company, beg leave to report that said bill was not properly or correctly engrossed, and would recommend that the engrossing clerk be instructed to re-engross the same, as first instructed.

Which report was adopted.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 41, An Act to incorporate the Jefferson Town Company, beg leave to report the same back without amendment, and recommend its passage.

Which report was adopted.

Mr. LEAVITT made the following report: .

Mr. PRESIDENT:—Your Committee to whom was recommitted Council Bill No. 11, beg leave to report that they have examined the same. We found a few clerical errors, which were corrected. We respectfully return the bill to the Council, with the recommendation that it pass.

Which report was adopted.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT : — Your Committee to whom was referred Council Bill No. 42, An Act to incorporate the Rocky Mountain Gold and Silver Mining Company, have had the same under consideration, and recommend its passage.

Which report was adopted.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports :

That they have examined, and found correctly engrossed, Council Memorial and Joint Resolution No. 2, To the Honorable Senate and House of Representatives of the United States, and Council Bill No. 25, An Act to incorporate the North Side Ditch Company, and Council Bill No. 43, An Act adopting the common law of England.

Which report was adopted.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day of the session, I will introduce an act to incorporate the Montana Tunnel Company.

House Bill No. 44, An Act for the compensation of D. D. Chamberlain for services rendered and money expended ;

Which was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 46, An Act creating the office of district attorney in each of the organized judicial districts of Montana Territory, and to define their duties, privileges and power, and fix their salaries ;

Which was recommitted to Judiciary Committee.

Council Bill No. 47, An Act prohibiting certain games in Montana Territory ;

Which was read the third time, and passed by the following vote :



In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

On motion of Mr. THOMPSON, Council Bill No. 42, was taken up, and placed on third reading.

Council Bill No. 42, An Act to incorporate the Rocky Mountain Gold and Silver Mining Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Worden, and Mr. President.

In the negative, none.

Mr. Thompson, was excused from voting.

Council Bill No. 11, An Act granting to C. R. Bissell and J. E. Bissell the right to build or construct a wagon road from Silver Bow to the Jefferson River;

Which was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
January 5, 1865. }

*To the Hon. President of Council:*

SIR: — I have the honor to inform the Council that the House has passed the following bills, to wit:

Council Bill No. 39, An Act to provide for and regulate the rates of charges for the publication of legal documents;

House Bill No. 10, An Act to incorporate the Hell Gate and Deer Lodge Wagon Road Company;

House Bill No. 13, An Act to incorporate the Bitter Root and Kootenay Wagon Road and Ferry Company;

House Bill No. 42, An Act to exempt the property of married women from execution in certain cases.

The Council bill above named concurred in by the House, and is hereby returned to the Council; and the House bills enumerated

above are herewith transmitted to you for the approval of the Council.

WM. L. BROWN, *Clerk*.

By Mr. LEAVITT,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to dissolve the bonds of matrimony existing between Clarisa Green and Philip Green.

By Mr. BAGG,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill for the consideration of the Council to incorporate Junction City, Madison County, Montana Territory.

By Mr. MERRIMAN,

I hereby give notice, that on to-morrow or some subsequent day, I will introduce a bill to incorporate Jefferson City, Jefferson County, Montana Territory.

On motion of Mr. BAGG, the Council adjourned till 2 o'clock P. M.

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#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

All members present.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports that they have examined, and found correctly engrossed Council Bill No. 7, An Act to incorporate the Beaver Head and Big Hole Bridge Company.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 12, have had the same under consideration, and beg leave to report the same back, with the following amendments, to wit:

Strike out all after the word "longer," in the third line of section 6, and annex the following: "That nothing in this act contained shall be so held or construed to vest in the said corporation any rights or privileges not possessed by any person or persons, citizens of this Territory, under the laws of the Territory, which are now or may hereafter be in force.

Also add:

SEC. 7. This act to take effect and be in force from and after its passage.

The report was accepted and amendments adopted.

Mr. MERRIMAN introduced Council Bill No. 50, An Act relating to fords;

Which was read first and second times, and on motion of Mr. BAGG, the rules were suspended, and the bill read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

House Bill No. 10, An Act to incorporate the Hell Gate and Deer Lodge Wagon Road Company;

Which was read first and second times, and referred to Committee on Incorporations.

House Bill No. 13, An Act to incorporate the Bitter Root and Kootanay Wagon Road Company;

Which was read first and second times, and referred to Committee on Incorporations.

House Bill No. 42, An Act to exempt the property of married women from execution in certain cases;

Which was read first and second times, and referred to Judiciary Committee.

Council Memorial No 2, Joint Resolution and Memorial to the Honorable Senate and House of Representatives of the United States, in Congress assembled;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
January 5, 1865.

*To the Hon. President of the Council :*

SIR: — I have the honor to inform the Council that the House has concurred in and passed Council Bill No. 46, An Act concerning the writ of *habeas corpus*.

Council Bill No. 11, An Act granting to C. R. Bissell and J. E. Bissell the right to build a wagon road from Silver Bow to Jefferson River ;

Was passed, with the amendment that the time for which the charter is granted be changed from ten to five years ; which amendment is inserted in the bill.

The said Council Bills Nos. 46 and 11, are herewith returned to the Council.

The House refused to approve the amendments proposed by the Council to House Bill No. 2, and appointed a Committee of two, consisting of Messrs. McCormick and Bell, to confer with a similar Committee of the Council, to make amendments to the bill, or agree upon its passage ; and it was respectfully requested by the House, that the Council appoint the said Committee of Conference on the above named House Bill.

The House have passed House Bill No 43, An Act to protect and regulate the irrigation of lands ;

Which bill is herewith transmitted to the Council for its concurrence in the same.

WM. L. BROWN, *Clerk*.

Council Bill No. 25, An Act to incorporate the North Side Ditch Company ;

Was read the third time, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Worden, and Mr. President.—6.

In the negative — Mr. Thompson.

Council Bill No. 41, An Act to incorporate the Jefferson Town Company;

Was read the third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Potter, Thompson, Worden, and Mr. President. Total, 6.

Mr. Merriman was excused from voting.

Council Bill No. 43, An Act adopting the Common Law of England;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. WORDEN, Council Bill No. 7 was taken up for the third reading.

On motion of Mr. WORDEN, the words "and fifty cents" in section 6, were stricken out. Also the word "ten," in section 7, and the word "five" inserted instead thereof.

On motion of Mr. POTTER, the word "two" was stricken out before "years" in section 8, and the word "three" was inserted instead thereof.

The bill was then read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

By Mr. BAGG,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to define the county boundaries, and provide for the location of county seats in this Territory.

On motion of Mr. THOMPSON, the Council adjourned until to-morrow morning at 10 o'clock.



FRIDAY, JANUARY 6, 1865.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

All the members present.

Journal of yesterday was read and approved.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 10, An Act to incorporate the Hell Gate and Deer Lodge Wagon Road Company, have had the same under consideration, and beg leave to report the same back without amendment, and recommend that it pass.

Which was adopted.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports that they have examined, and found correctly engrossed, Council Bill No. 12, An Act to incorporate the Valparaiso Gold and Silver Mining Company.

Which was adopted.

Mr. MERRIMAN, of the Committee on Enrollment, reports that they have carefully examined Council Bill No. 29, An Act to incorporate the Montana Gold and Silver Mining Company, and find it correctly enrolled.

Which was adopted.

Mr. THOMPSON, of the Judiciary Committee, reports:

That they have had under consideration Council Bill No 30, An Act to preserve the district records in relation to leads, lodes and ledges, as amended by the House, and would respectfully recommend that the amendments passed by the House do not be concurred in, and that the bill be returned, and the House be asked to recede from their amendments.

Also, they have examined House Bill No. 42, An Act to exempt the property of married women from execution in certain cases, and would most respectfully recommend its passage.

Your Committee ask further time in House Bill No. 46, An Act creating the office of district attorney, &c.

By Mr. POTTER,

I hereby give notice that on to-morrow, or some subsequent time, I will, by request, introduce a bill to incorporate the Virginia City and Prickly Pear Wagon Road Company.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce an act to incorporate the Empire Gold and Silver Mining Company.

Mr. BAGG introduced Council Bill No. 51, An Act to incorporate the Junction City Town Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

Message from the House of January 5th was taken under consideration.

Motion of Mr. BAGG, that a Committee of free conference on House Bill No. 2 be appointed, was adopted.

The Committee consists of Messrs. Potter and Leavitt.

The Council concurred in the amendment of the House to Council Bill No. 11.

House Bill No. 43, An Act to protect and regulate the irrigation of land;

Was read the first and second times, and referred to the Committee on Internal Improvements.

House Bill No. 10, An Act to incorporate the Hell Gate and Deer Lodge Wagon Road Company;

Was read the third time, and passed, by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 42, An Act to exempt the property of married women from execution in certain cases;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 12, An Act to incorporate the Valparaiso Gold and Silver Mining Company;

Was read third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. Merriman was excused from voting.

Mr. THOMPSON, of the Judiciary Committee, made the following report:

I am instructed by the Judiciary Committee to report back House Bill No. 46, An Act to create the office of district attorney, &c., and recommend its passage, with the following amendments:

Insert between the 12th and 13th lines of section 5, "For every conviction of felony, where the punishment is other than death, twenty-two dollars," and strike out the words "conviction shall be had," in the 16th line of the same section, and insert in place thereof "offence shall have been committed"

The report was accepted and the amendments adopted.

House Bill No. 46, An Act creating the office of district attorney in each of the organized judicial districts of Montana Territory, and to define their duties, privileges, and powers, and fix their salaries;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. MERRIMAN, the Council adjourned until afternoon.

## AFTERNOON SESSION.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

All the members present.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 8, An Act to authorize Franklin Ruff and others to construct and keep a ferry or bridge across the Jefferson River, at or near the Point of Rocks, beg leave to report that they have had the same under consideration, and would recommend its passage, without amendment.

Which report was adopted.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to incorporate the Silver Mountain Mining Company.

Mr. LEAVITT introduced Council Bill No. 52, An Act to incorporate the Central City Milling and Mining Company ;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. BAGG offered the following :

*Resolved*, By the Council of the Legislative Assembly of Montana Territory, that the House be requested to act upon and forward, with as little delay as practicable, the civil and criminal code designed for the Territory, and that the Clerk of the Council inform the House of this request.

Which was adopted.

House Bill No. 8, An Act to authorize Franklin Ruff and others to construct and keep a bridge or ferry across the Jefferson River, at or near the Point of Rocks ;

Was read the third time, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 6, An Act granting a ferry charter across the Big Horn River, would beg leave to report that they have had the same under consideration, and would recommend that all after the enacting clause be stricken out, and the sections herewith submitted inserted in lieu thereof.

Which report was accepted, and amendment adopted.

On motion of Mr. BAGG, the rules were suspended and Council Bill No. 6, An Act granting a ferry charter across the Big Horn River;

Was read the third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 13, An Act to incorporate the Bitter Root and Kootenay Road and Bridge Company, beg leave to report that they have had the same under consideration, and would report the same back without recommendation;

Which was adopted.

On motion of Mr. THOMPSON, House Bill No. 13, was laid on the table.

Mr. MERRIMAN, of the Committee on Internal Improvements, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 43, have had the same under consideration, and return the same back, and recommend its passage without amendment;

Which report was adopted.



Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 44, have had the same under consideration, and beg leave to report the same back for the consideration of the Council;

Which report was adopted.

On motion of Mr. POTTER, Council Bill No 44 was laid on the table.

By Mr. MERRIMAN,

I hereby give notice, that on to-morrow, or some subsequent day of the session, I will introduce an act relating to marriages.

By Mr. POTTER,

I hereby give notice, that on tomorrow or some subsequent day of the session, I will introduce an act for unconditional divorces.

On motion of Mr. POTTER, Council adjourned until to-morrow morning at 10 o'clock.

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SATURDAY, JANUARY 7, 1865.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent—Mr. Thompson.

The journal was read and approved.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
January 5, 1865. }

*To the Hon. President of the Council:*

SIR:—I have the honor to inform the Council that the House has passed, without amendment, the following Council Bills:

No. 17, An Act concerning lost goods and estrays;

No. 7, An Act to incorporate the Beaver Head and Big Hole Bridge Company;

No. 35, An Act to provide for the compensation of Henry Thompson for services rendered the Territory;

No. 41, An Act to incorporate the Jefferson Town Company;

No. 47, An Act prohibiting certain games in Montana Territory;

No. 50, An Act relating to fords.

Also, Council Memorial and Joint Resolution No. 2, was concurred in by the House.

The above named bills and memorial are herewith returned to the Council.

Council Bill No. 43, "An Act adopting the common law of England," was also approved by the House, and is hereby returned to the Council.

The following House Bill, No. 52, An Act to enable soldiers to hold claims, which bill is transmitted to you for the approval of the Council.

The following notices were given:

A notice of a Bill to incorporate the Silver Bow Mining Company; also,

A Bill to prevent the carrying of concealed deadly weapons in the cities and towns of this Territory; and

A Bill granting to Homer R. Payne a divorce from the bonds of matrimony now existing between said Payne and Adaline Payne.

WM. L. BROWN, *Clerk*.

Mr. LEAVITT, from the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 51, An Act to incorporate the Junction City Town Company, have had the same under consideration, and beg leave to report the same back with the recommendation that it pass.

By Mr. BAGG,

I hereby give notice, that I will on Monday, or some subsequent day, introduce a Bill to incorporate the Missouri River Portage and Railroad Company.

Mr. POTTER introduced Council Bill No. 53, An Act desig-

nating the time for holding a term of the district court in Madison County;

Was read the first and second times, and on motion of Mr. BAGG, the rules were suspended and the bill read the third time, and passed, by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

House Bill No. 52, An Act to enable soldiers to hold claims;

Was read the first and second times, and on motion of Mr. THOMPSON to suspend the rules for the third reading of the bill:

The ayes and noes being demanded,

Those voting in the affirmative were — Messrs. Leavitt, Merriman and Thompson;

In the negative — Messrs. Bagg, Potter, Worden and Mr. President.

So the motion was not adopted.

On motion of Mr. BAGG, the bill was referred to the Judiciary Committee.

House Bill No. 43, An Act to protect and regulate the irrigation of land;

Was read the third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

Mr. POTTER introduced Council Bill No. 54, An Act to incorporate the Madison Ditch Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. POTTER introduced Council Bill No. 55, An Act to incorporate the Prickly Pear and Virginia City Wagon Road Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. MERRIMAN, of Committee on Enrollment, made the following report:

Mr. PRESIDENT:—Your Joint Committee on Enrollment have examined, and found correctly enrolled,

Council Bill No. 3, An Act declaratory of the rights of occupants of the public domain;

Council Bill No. 11, An Act granting to C. R. and J. E. Bissell the right to build or construct a Wagon Road from Silver Bow to the Jefferson River;

Council Bill No. 29, An Act to incorporate the Montana Gold and Silver Mining Company;

Council Bill No. 33, An Act to prevent the trespassing of animals upon private property;

Council Bill No. 30, An Act to provide for and regulate the rates of charges for publication of legal documents;

Council Bill No. 7, An Act to incorporate the Beaver Head and Big Hole Bridge Company.

Mr. BAGG introduced Council Bill No. 56, An Act to incorporate the Missouri River Portage and Railroad Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

It being the special order for to-day, the Council resolved itself into a Committee of the Whole for the consideration of An Act to provide increased compensation to officers in this Territory.

Mr. POTTER in the chair.

After the reading of the bill, the Committee arose and through their chairman made the following report:

Mr. PRESIDENT:—The Committee of the Whole, to whom was referred Council Bill No. 45. An Act to provide increased compensation to the officers of this Territory, beg leave to report that they have had said bill under consideration, and had action on the same, and would respectfully recommend the adoption of the substitute herewith transmitted.

A. S. POTTER, *Chairman.*

On motion of Mr. WORDEN, the substitute was adopted.

On motion of Mr. POTTER, the rules were suspended, and the bill was read the third time, by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

By Mr. THOMPSON,

I hereby give notice that on some subsequent day of the session I will introduce an act to establish a ferry across Sun River;

Also, An Act to establish a ferry across the Missouri River at or near Fort Benton.

Mr. MERRIMAN introduced Council Bill No. 57, An Act authorizing A. Young, G. Steel and R. T. Lawless to establish and maintain a ferry across the Missouri River at Fort Benton;

Which was read the first and second times, and referred to the Committee on Incorporations.

On motion of Mr. POTTER, the Council adjourned until Monday morning at 10 o'clock.

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MONDAY, JANUARY 9, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Merriman and Potter.

The Journal was read and approved.

Mr. THOMPSON, of Judiciary Committee, reported that they have examined House Bill No. 52, An Act to enable soldiers to hold claims, and recommend its passage, with this amendment:

Section 1, line 5, strike out "one year," and insert "six calendar months" in place thereof.

On motion of Mr. BAGG, the report was accepted and the amendment adopted.



The following message was received from the Governor :

EXECUTIVE OFFICE, BANNACK CITY, {  
January 9, 1865. }

*To the Hon President of the Council :*

SIR : — I have this day approved the following Council Bills :

No. 3, An Act declaratory of rights of occupants of the public domain, except as against the United States ;

No. 7, An Act to incorporate the Beaver Head and Big Hole Bridge Company ;

No. 11, An Act granting to C. R. Bissell and J. E Bissell the right to build or construct a Wagon Road from Silver Bow to the Jefferson River ;

No. 29, An Act to incorporate the Montana Gold and Silver Mining Company ;

No. 33, An Act to prevent the trespassing of animals upon private property ;

No. 39, An Act to provide for and regulate the rates of charges for the publication of legal documents.

Respectfully, Yours,

SIDNEY EDGERTON, *Governor.*

By Mr. BAGG,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill having for its object the incorporation of the Excelsior Coal Mining and Manufacturing Company.

Also, that on to-morrow, or some subsequent day, I will introduce a bill to provide for the compensation of B. B. Burchett for services rendered this Territory.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to provide for the collection of a revenue in this Territory.

Mr. THOMPSON introduced Council Bill No. 53, An Act to authorize Gad E. Upson and his associates to maintain a ferry across Sun River ;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. BAGG introduced Council Bill No. 59, An Act to incorporate the Yellow Stone Anthracite and Bituminous Coal Company.

Read the first and second times, and referred to Committee on Incorporations.

Mr. MERRIMAN introduced Council Bill No. 60, An Act to incorporate the Empire Mining Company.

Read the first and second times, and referred to Committee on Incorporations.

Council bills on third reading:

Council Bill No. 51, An Act to incorporate the Junction City Town Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. Bagg being excused, and Mr. Potter was absent.

Motion of Mr. BAGG, to take from the table House Bill No. 13, An Act to incorporate the Bitter Root and Kootenay Wagon Road and Ferry Company was adopted.

The rules were suspended, the bill read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. Potter being absent.

Mr. LEAVITT, of the Committee on Incorporations:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 54, being An Act to incorporate the Madison Ditch Company, beg leave to report the same back, with the following amendment:

Strike out the name of S. Edgerton, as one of the incorporators, and recommend its passage after said amendment.

Which amendment was adopted.

On motion of Mr. BAGG, the Council adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Bagg and Leavitt.

By Mr. MERRIMAN,

By request, I hereby give notice, that on to-morrow, or some subsequent day, I will introduce an act to incorporate the Consolidated Mining Company of Montana Territory.

Mr. BAGG introduced Council Bill No. 61, An Act providing for the collection of the revenue;

Read first and second times, and referred to the Judiciary Committee.

Mr. BAGG introduced Council Bill No. 62, An Act to provide compensation to B. B. Burchett for services rendered the Territory;

Which was read the first and second times, and referred to the Committee on Ways and Means.

The following message was received from the House, by Mr. BROWN, their clerk:

*To the Honorable President of the Council:*

SIR: — The House passed the following bills this day:

Council Bill No. 53, An Act designating a time for holding a term of the district court in Madison County;

House Bill No. 54, An Act to prevent the carrying of concealed deadly weapons in the cities and towns of this Territory;

Also, Council Memorial No. 1, asking for a weekly mail between different cities and localities in this Territory;

Which was passed.

House Bill No. 47, An Act in relation to executors and administrators:

The above named Council Bill and Memorial are herewith returned to the Council;

And the above named House Bills are hereby transmitted to the Council for the approval of the same.

Council Bill No. 30, An Act to preserve the district records in relation to leads, lodes and ledges :

The amendments of the House to said bill were not rescinded, as asked by the Council. But a Committee of Conference was appointed to consider the said amendments and bill. The Committee consists of Messrs. Buck, Courtright and Faulds.

The amendments of the Council to House Bill No. 44, An Act for the compensation of D. D. Chamberlain for services rendered the Territory, were not concurred in by the House; but a Committee to confer with the Council concerning said bill was appointed. The Committee consists of Messrs Smith and Courtright. It is respectfully asked by the House, that the Council appoint a like Committee of the House, and to consider the above passed bills, upon which there is some disagreement.

The House appointed Messrs. Buck, Bell, Smith and Stewart, as a Committee of Conference on Towns and Counties.

WM. L. BROWN, *Clerk.*

The following notices of the introduction of bills were given :

A notice of a bill to incorporate the Beaver Head Ditch Company ;

Also, a notice of a bill to incorporate the Consolidated Mining Company of Montana.

On motion of Mr. POTTER, that the vote taken on Council Bill No. 45, An Act to provide increased compensation of officers of this Territory, be reconsidered ;

Which was adopted.

Mr. POTTER offered the following amendment to said bill :

Amend Section 1. as follows: Strike out the fifth, sixth and seventh lines, and insert in lieu thereof, the following: "To the Governor and each of the Justices of the Supreme Court, the sum of twenty-five hundred dollars;"

Which was adopted.

On motion of Mr. POTTER, Council Bill No. 45, An Act to provide increased compensation of officers of this Territory ;

Was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

The President appointed Messrs. Potter, Leavitt and Merriman, a Committee of free conference on Council Bill No. 30, An Act legalizing certain acts of mining district recorders;

Also, Messrs. Thompson and Worden, a Committee of free conference on House Bill No. 44, An Act for the compensation of D. D. Chamberlain.

By Mr. BAGG,

I hereby give notice, that on to-morrow, or some subsequent day of the session, I will introduce an act to incorporate the Deer Lodge and Prickly Pear Wagon Road Company.

Mr. LEAVITT, of Committee on Incorporations, reports:

Mr. PRESIDENT:— Your Committee, to whom was referred Council Bill No. 52, have had the same under consideration, and beg leave to report the same back for the consideration of the Council.

By Mr. BAGG,

*Resolved*, That it shall be the duty of the Select Committee, to whom was referred the subject of compensation to D. D. Chamberlain, in conference with House Committee on same, to report to this House to-morrow.

Which was adopted.

By Mr. BAGG,

Motion to place House Bill No. 47 on its first reading;

Which was adopted.

On motion of Mr. BAGG, to suspend the rules and read House Bill No. 47, An Act in relation to executors and administrators, by its title the first and second times;

The motion was adopted.

House Bill No. 47, An Act in relation to executors and administrators;

Was read the first and second times by its title, and referred to the Judiciary Committee.



House Bill No. 54, An Act to prevent the carrying of concealed deadly weapons in the cities and towns of this Territory;

Was read the first and second times; the rules were suspended, and the bill was read the third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

On motion of Mr. BAGG, the Council adjourned, until to-morrow morning at 10 o'clock.

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TUESDAY, JANUARY 10, 1865.

Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent—Mr. Thompson.

Motion by Mr. BAGG, that when the Council adjourn this afternoon, it be at three o'clock, to allow the District Judge to use the Council Chamber to try a cause in said court.

Which was adopted.

Mr. LEAVITT, from Committee to whom was referred Council Bill No. 55, reports that they have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

Mr. MERRIMAN, from Joint Committee on Enrollment, made the following report:

Mr. PRESIDENT:—Your Joint Committee on Enrollment have examined, and found correctly enrolled,

Council Bill No. 50, An Act relating to fords;

Also, Council Bill No. 53, An Act designating the time for holding a term of the District Court in Madison County;

Also, Council Bill No. 47, An Act prohibiting certain games in Montana Territory;

Also, Council Bill No. 43, An Act adopting the Common Law of England;

Also, Council Bill No. 41, An Act to incorporate the Jefferson Town Company;

Also, Council Memorial No. 2, Joint Resolution and Memorial to the Honorable Senate and House of Representatives of the United States of America, in Congress assembled;

Also, Council Bill No. 35, An Act to provide for the compensation of Henry Thompson for services rendered the Territory.

NATHANIEL MERRIMAN, *Chairman*.

Mr. THOMPSON, from Committee on Ways and Means, made the following report:

Mr. PRESIDENT:—Your Committee on Ways and Means beg leave to report that they have examined Council Bill No. 62, An Act to provide for the compensation of B. B. Burchett for services rendered to the Territory, and recommend that the bill be laid on the table.

F. M. THOMPSON, *Chairman*.

¶ [On motion, Council Bill No. 62 was laid on the table.

By Mr. WORDEN,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill granting a charter for a ferry across the Hell Gate River.

Mr. MERRIMAN introduced Council Bill No. 63, An Act to incorporate the Consolidated Mining Company of Montana;

Which was read the first and second times, and on motion of Mr. BAGG, the rules were suspended, and the bill read the third time, and passed by the following vote:

In the affirmative—Messrs Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Message from the House, by Mr. BROWN, their clerk:

*To the Honorable President of the Council:*

SIR — I have the honor to inform the Council that the House has passed the following bills:

House Bill No. 51, An Act to regulate proceedings in criminal cases in the courts of justice in this Territory;

House Bill No. 33, An Act regulating the holding of elections in Montana Territory;

House Bill No. 49, An Act concerning fences;

House Bill No. 23, An Act to incorporate the Little Prickly Pear Wagon Road Company;

Council Bill No. 25, An Act to incorporate the North Side Ditch Company, which was passed with the following amendments:

Strike out all of the 9th line except the first two words; all of 10th line, and the first word in 11th line, section 4, and add to the same section, *Provided*, That nothing in this section shall be so construed as to allow the company to use more than one thousand inches of water.

Also, strike out the word "perpetual" wherever found in said bill, and insert the words "ten years"

The above named House Bills, as passed, are herewith transmitted to you for the approval of the Council; and the above named Council Bill, with the amendments of the House, is with this message returned to the Council.

WM. L. BROWN, *Clerk*.

Mr. POTTER introduced Council Bill No. 64, An Act to enable road, ditch, manufacturing and other companies to become bodies corporate;

Read first and second times, and referred to the Committee on Incorporations.

On motion of Mr. BAGG, that there be a Committee of two appointed on the part of the Council to confer with the Committee appointed by the House on Towns and Counties;

Which was adopted.

Messrs. Bagg and Merriman were appointed said Committee on the part of the Council.

House Bill on third reading:

House Bill No 52, An Act to enable soldiers to hold claims;

Read the third time, and passed by the following vote:

In the affirmative — Messrs. Leavitt, Merriman, Thompson, and Mr. President. — 4.

In the negative — Messrs. Bagg, Potter and Worden. — 3.

Motion of Mr. BAGG, to go into Committee of the whole House on Council Joint Resolution No. 1;

Which was adopted.

Mr. POTTER, Chairman of the Committee of the whole House, asked leave for further time to report to the House.

Mr MERRIMAN, from the Joint Committee on Enrollment, made the following report:

Mr. PRESIDENT: — Your Joint Committee on Enrollment have examined and found correctly enrolled:

Council Bill No. 17, An Act concerning lost goods and estrays;

Also, Council Bill No. 46, An Act concerning the writ of *habeas corpus*;

Also, Council Memorial No. 1, asking for a weekly mail from Virginia City, Montana Territory, by the way of Silver Bow, Deer Lodge County, to Hell Gate, and from thence to Fort Owen and Willow Creek, and also to Jocko; also, that weekly service be put on the route established between Salt Lake and Fort Benton, and that the same may be by the way of Boulder, Beaver Town, Jefferson City, Helena, and Silver City.

N. MERRIMAN, *Chairman*.

Mr. LEAVITT, from the Committee on Incorporations, made the following report:

Mr. PRESIDENT: — Your Committee on Incorporations, to whom was referred Council Bill No. 58, An Act to incorporate the Sun River Ferry, have had the same under consideration, and beg leave to report the same back with the following amendment:

Strike out the name of Gad E. Upson, wherever it occurs in said bill:

And recommend its passage, as amended.

E. D. LEAVITT, *Chairman*.

Adopted.

Mr. BAGG introduced Council Bill No 65, An Act to incorporate the Excelsior Coal Manufacturing Company ;

Read the first and second times, and referred to the Committee on Incorporations.

Messrs. THOMPSON and WORDEN, from the Special Committee of Conference on House Bill No. 44, made the following report :

Mr. PRESIDENT :— Your Special Committee of Conference on House Bill No. 44, An Act for the compensation of D. D. Chamberlain, beg leave to report that the Joint Committee have agreed to report to their respective houses that said Chamberlain be allowed the sum of three hundred dollars.

F. M. THOMPSON,

F. L. WORDEN,

*Committee.*

Adopted.

Mr. THOMPSON, from the Judiciary Committee, made the following report :

Mr. PRESIDENT :— Your Judiciary Committee beg leave to report that they have examined House Bill No 47 and Council Bill No. 61, and ask that they may be considered in Committee of the Whole, and that Council Bill No 61 be first taken up.

F. M. THOMPSON, *Chairman.*

On motion, the Council resolved itself into Committee of the whole House.

The President appointed Mr. MERRIMAN Chairman.

The President again took the chair, and on motion of Mr. THOMPSON, the Council adjourned until 2 o'clock P. M.

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#### AFTERNOON SESSION.

Council met pursuant to adjournment.

Roll called.

Quorum present.

Absent — Messrs. Merriman and Thompson.

On motion of Mr. BAGG, the Council went into Committee of



the whole House on Council Bill No. 61, An Act providing for the collection of the revenue;

Which motion was adopted.

The hour for adjournment having arrived, the President took the chair, and the Council adjourned until tomorrow morning at 10 o'clock.

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WEDNESDAY, JANUARY 11, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Thompson.

The consideration of Council Bill No. 61, An Act to create and raise a revenue for the Territory of Montana, being made the special order for this morning, the Council resolved itself into a Committee of the Whole for the consideration of said bill.

Mr. LEAVITT in the chair.

After the reading of the bill, the Committee arose and through their Chairman asked leave for further time to report;

Which was granted.

Mr. POTTER, from Committee of the Whole, made the following report:

Mr. PRESIDENT:—Your Committee of the Whole, having had under consideration Council Resolution No. 1, relating to the repeal of certain acts of the Idaho Legislature, beg leave to report said resolution back for the consideration of the Council without amendment.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 58, An Act to authorize Gad E. Upson and his

associates to maintain a ferry across Sun River, have had the same under consideration, and beg leave to report the same back with the following amendment, to wit:

Section 1, first line, strike out the name of Gad E. Upson, and wherever the same name may occur in any part of the bill, it shall be stricken out, and the name of Wm Chumasero inserted.

The report was accepted, and amendment adopted.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, on Incorporations, to whom was referred Council Bill No. 55, An Act to incorporate the Virginia City and Prickly Pear Wagon Road Company, have had the same under consideration, and beg leave to report the same back with this amendment, to wit:

Strike out all but the enacting clause, and insert the substitute herewith submitted.

Which report was accepted, and on motion of Mr. BAGG, Council Bill No. 55 was recommitted to the Committee on Incorporations.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 64, An Act to enable road, ditch, manufacturing and other companies to become corporate bodies, have had the same under consideration, and report it back with the recommendation that it pass.

Which was adopted.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports:

That they have examined, and found correctly engrossed Council Bill No. 54, An Act incorporating the Madison Ditch Company.

Mr. MERRIMAN, of Committee on Education, made the following report:

Mr. PRESIDENT:—Your Committee on Education, to whom was referred Council Bill No. 33, An Act establishing a Common School System for the Territory of Montana, have had the same

under consideration, and recommend its passage with the following insertions :

That the words "one mill" be inserted before "on a dollar," in the fifth line of Section 2, Chapter 1;

Also, the word "twelve" before "dollars," in the fourteenth line of Section 5, Chapter 2;

Also, the words "per day" after the word "dollars," in the fourteenth line of Section 5, Chapter 2;

Also, the words "one hundred" before "dollars," in the third line of Section 13, Chapter 2;

Also, the words "three hundred," before "dollars," in the seventh line, Section 13, Chapter 2;

Also, the words "two hundred," before "dollars," in the ninth line, Section 13, Chapter 2.

Which report was accepted, and the amendments adopted.

Mr. WORDEN introduced Council Bill No. 66, An Act authorizing Frank H. Woodey and C. E. Irwin to establish a ferry or bridge across the Hell Gate River.

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. MERRIMAN introduced Council Bill No. 67, An Act to incorporate the Silver Mountain Mining Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

The consideration of messages from the House being the order :  
The House amendments to Council Bill No. 25, An Act to incorporate the North Side Ditch Company;

Was with the bill laid on the table.

The following was received from the House :

HOUSE OF REPRESENTATIVES, {  
January 11, 1865. }

*To the Hon. President of the Council :*

SIR:—I am directed to inform the honorable Council that the House passed on the 10th inst. the following bills:

Council Bill No. 63, An Act to incorporate the Consolidated Mining Company of Montana;

Which bill is returned to the Council.

House Bill No. 7, An Act to incorporate the Nevada City and Red Rock Wagon Road Company;

House Bill, No. 55, An Act to incorporate the Brandon Town Company;

House Bill No. 58, An Act for the protection of roads;

House Bill No. 57, An Act to incorporate the Big Horn Town Association."

House Bill No. 56, An Act to incorporate the Virginia City Gas Company:

All of which bills are herewith transmitted to you for the concurrence of the Council therein.

The Committee of Conference, consisting of members of both Houses, to whom was referred Council Bill No. 30, An Act to preserve the district records in relation to leads, lodes and ledges, made the following amendments to said bill:

Strike out, in line 2d, "or on abstract thereof," and insert after the word "ledge," in the third line, "ranche, water and mill;"

Strike out of Section 2, third line, "or an abstract thereof," After the word "ledge," insert the words "ranche, water and mill;"

In Section 3, sixth line, after the word "cents," insert "to be paid by the district recorder;"

In the same section, eighth line, strike out the words "or an abstract thereof;"

Add to Section 3: "*Provided*, That nothing in this act shall be so construed as to admit any district recorder to deposit more than one set of books."

The above named bill passed the House as amended, and is herewith returned to the Council with the said amendments.

WM. L. BROWN, *Clerk.*

House Bills on first reading:

House Bill No. 23, An Act to incorporate the Little Prickly Pear Wagon Road Company;

Was read the first and second times, and referred to the Committee on Incorporations.

The following messages were received from the Governor:

EXECUTIVE OFFICE, }  
January 10, 1865. }

*To the Hon. President of the Council:*

SIR:—I have this day signed Council Bill No. 53, entitled  
An Act designating the time for holding a term of the District  
Court in Madison County.

SIDNEY EDGERTON, *Governor.*

EXECUTIVE OFFICE, BANNACK CITY, }  
January 11, 1865. }

*To the Hon. President of Council:*

SIR:—I have this day signed the following Council Bills:

No. 46, An Act concerning the writ of habeas corpus;

No. 17, An Act concerning lost goods and estrays;

No. 50, An Act relating to fords;

No. 47, An Act prohibiting certain games in Montana Territory;

No. 43, An Act adopting the Common Law of England;

No. 35, An Act to provide for the compensation of Henry  
Thompson for services rendered the Territory;

No. 41, An Act to incorporate the Jefferson Town Company.

SIDNEY EDGERTON, *Governor.*

House Bill No. 33, An Act regulating the holding of elections  
in Montana Territory;

Was read the first and second times, by its title, and referred to  
Committee on Elections.

House Bill No. 49, An Act concerning fences;

Was read the first and second times, and referred to Committee  
on Agriculture.

Mr. WORDEN, from Committee of the Whole, made the fol-  
lowing report:

Mr. PRESIDENT:—The Committee of the Whole, to whom was  
referred House Bill No. 47, An Act concerning administrators, beg  
leave to report that they have had the same under consideration,  
and have made no progress, and ask to be excused from the further



consideration of the same, and would recommend that the bill be referred to the Judiciary Committee.

Which was adopted.

On motion of Mr. BAGG, the Council adjourned till 2 o'clock P. M.

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### AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

All members present.

On motion of Mr. BAGG, the Committee to whom was referred the Governor's Message, were allowed until next Tuesday to make their report.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No 59, An Act to incorporate the Yellow Stone Anthracite and Bituminous Coal Company, have had the same under consideration, and beg leave to report it back, with the recommendation that it pass.

Mr. WORDEN introduced Joint Resolution No. 3, entitled a Resolution to prevent the further introduction of private bills;

Which was read the first time, and on motion of Mr. THOMPSON to lay the resolution on the table;

The ayes and noes being demanded,

In the affirmative — Messrs. Bagg, Thompson and Worden.

In the negative — Messrs. Leavitt, Merriman, Potter, and Mr. President.

So the resolution was not laid on the table, and on motion of Mr. BAGG, was indefinitely postponed.

Mr. BAGG introduced Council Bill No. 68, An Act to incorporate the Virginia City Gas Company.

Which was ordered on first reading.

By Mr. THOMPSON,

I hereby give notice, that I will on some future day of the session introduce a bill to incorporate the Montana Coal and Manufacturing Company.

Council Bill No. 30, An Act to legalize certain acts of mining district recorders;

Which was amended by the House, was ordered to be engrossed.

Mr. MERRIMAN introduced Council Bill No. 69, An Act concerning the location of tunnel claims;

Which was read the first and second times, and referred to Committee on Mines and Minerals.

House Bill on first reading:

House Bill No. 51, An Act to regulate proceedings in criminal cases in the courts of justice in this Territory;''

On motion of Mr. BAGG, the Council resolved itself into Committee of the Whole, for the consideration of the above bill.

Mr. Worden in the chair.

After some time spent in reading House Bill No. 51, the Committee arose, and on motion of Mr. BAGG, the Chairman was allowed until tomorrow morning to report.

On motion of Mr. BAGG, the Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY, JANUARY 12, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent, none.

On motion of Mr. BAGG, the reading of the journal was suspended for the present.

Mr. WORDEN, from the Committee of the Whole, made the following report:

Mr. PRESIDENT:—The Committee of the Whole, having under consideration House Bill No. 51, An Act regulating proceedings in criminal cases, would respectfully report that they have progressed as far as Section 49 in the examination of the same, and would respectfully ask leave to sit again this morning, for the further consideration of said bill.

Mr. LEAVITT, from the Committee of the Whole, made the following report:

Mr. PRESIDENT:—Your Chairman has to report that the Committee of the Whole have, according to order, had under consideration Council Bill No. 61, entitled An Act providing for the collection of the revenue:

The following amendments were submitted and adopted; to wit:

SEC. 10. Wherever the word "assessor" occurs, add the words "or assessors."

SEC. 17. Add the words "number and value of cows and calves," after the word "oxen."

SEC. 47. After the word "that," ninth line, insert "Town lots are to be divided in such case lengthwise by".

SEC. 51. Strike out all after the word "dear" and before the word "by". Also, where the word "two" occurs, it shall be stricken out, and the word "one" substituted.

SECS. 57 and 58. Strike out the whole of both sections.

SEC. 64. Strike out the whole section.

On motion of Mr. BAGG, the House resolved itself into a Committee of the Whole, for the consideration of House Bill No. 51.

Mr. Worden in the chair.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
January 11, 1865. }

*To the Hon. President of the Council :*

SIR : — The House passed the following bills this day :

Council Bill No. 12, An Act to incorporate the Valparaiso Gold and Silver Mining Company ;

Council Bill No. 51, An Act to incorporate the Junction City Town Company ;

The said Council Bills are with the message returned to the Council.

House Bill No. 53, An Act to dissolve the bonds of matrimony existing between Homer R. Payne and Adaline Payne ;

House Bill No. 60, An Act concerning guardian and ward ;

These bills are herewith transmitted to the Council for its approval.

The Conference Committee, to whom was referred House Bill No. 44, made the following amendments to said bill :

Strike out the word "six," before "hundred," in the third line, and insert the word "three ;"

Strike out in line four, Section 1, after the word "for," the words "time employed and money expended in procuring ;" and between the words "laws" in line five and "of" in line six insert the words "bound statutes," and in line seven, same section, strike out the word "courts."

The bill passed the House, as amended, and is transmitted to the Council with the amendments for their approval.

WM. L. BROWN, *Clerk.*

After considering a portion of House Bill No. 51, the Committee of the Whole arose, and

On motion of Mr. BAGG, the Council adjourned until 2 o'clock P. M.

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AFTERNOON SESSION.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent, none.

The Council again resolved itself into a Committee of the Whole, for the further consideration of House Bill No. 51 :

After reading a portion of said bill, the Committee arose, and

On motion of Mr. THOMPSON, the Chairman has until to-morrow morning to report.

Mr. THOMPSON introduced Council Memorial No. 5, asking for a direct mail from Bannack City to the Missouri River ;

Which was read the first and second times, and on motion of Mr. BAGG, the rules were suspended, and the bill read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Potter, Thompson, Worden, and Mr. President.—6.

In the negative, none.

On motion of Mr. LEAVITT, the Council adjourned until to-morrow morning at 10 o'clock.

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FRIDAY, JANUARY 13, 1865.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent, none.

The Journals of Wednesday and Thursday were read and approved.

Mr. WORDEN, from Committee of the Whole, made the following report :

Mr. PRESIDENT : — The Committee of the Whole, having had



under consideration House Bill No. 51, would respectfully report that they have progressed as far as Section 272 in the examination, and ask leave to sit again for the further consideration of the same.

Which was adopted.

Mr. POTTER, from Committee on Elections, made the following report:

Mr. PRESIDENT: — Your Committee on Elections, to whom was referred House Bill No. 33, An Act regulating the holding of elections in Montana Territory, beg leave to report the same back, without amendment, and recommend its passage.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports:

That they have examined, and found correctly engrossed, Council Bill No. 30, An Act to preserve the district records.

Also, Council Bill No. 58, An Act to incorporate a ferry across Sun River.

On motion of Mr. MERRIMAN, the rules were suspended, and House Bill No. 33, An Act regulating elections, was read third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
January 13, 1865. }

SIR: — The House passed on the 12th inst. Council Bill No. 27, An Act concerning crimes and punishments. The said bill was amended by the addition of three sections, which are attached to the bill. It was also amended in other particulars, which are noted in the bill as returned to the Council.

The House also passed Council Bill No. 45, An Act to provide increased compensation to officers in this Territory, with the following amendments:

Add to section 2, at the end of 18th line, the following: "The chaplain five dollars."

The House concurred in the amendment of the Council to House Bill No. 52, An Act to enable soldiers to hold claims.

WM. L. BROWN, *Clerk*.

On motion of Mr. MERRIMAN, the amendments proposed by Committee of Conference to Council Bill No. 30, were adopted, and the bill was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Mr. THOMPSON, of the Judiciary Committee, made the following report :

Mr. PRESIDENT:— Your Committee to whom was referred House Bill No. 47, relating to probate courts, have had the same under consideration, and report the same back with the following amendments :

Article 1, section 26, line 3, strike out "county" and insert "probate."

Article 2, section 21, line 4, insert after the word "notice" the words "and shall post up to the number of three similar notices in the county where letters testamentary have been granted, in three of the most public places, one of which shall be upon the court house."

Section 22, line 3, insert the word "Territory," in place of the word "State," which is to be stricken out. Also, in line 4, in same section, insert after the words "a notice," the words "and shall post up to the number of three similar notices in the county where letters are granted, in three most public places, one of which shall be upon the court house."

Section 29, strike out all of the four lines of said section.

Section 35, line 3, strike out "State," and insert "Territory."

Section 43, last line, after word "certified," add words "and transferred."

Article 4, section 2, strike out the word "two," before "year," in the second line, and insert the word "one."

Section 6, strike out, in the eighth line, the word "two," and insert the word "one."

Section 21, in the third line, after the word "jury," strike out the word "one," and insert the words "a jury of six."

Article 5, section 2, strike out, in the eighth line, the word "year," and insert "six months."

Article 6, section 18, at the end of second line, insert the words "at any time."

Strike out after the word "deceased" in line 12, section 20, and insert the following: The said court shall make an order commanding the sheriff of the proper county to advertise and sell at public auction to the highest bidder for cash in hand the said property, upon the same notice and in the same manner as is prescribed for the sale of real estate under execution, and that the net proceeds of said sale shall be deposited in the Territorial treasury by the judge of the probate court, subject to the same regulations concerning the heirs or legatees as is provided in section 18 of this act.

Next strike out all of sections 21, 22, 23 and 24.

Section 25, strike out all after the word "settled," in the tenth line.

Section 26, strike out all after the word "creditors," in the fifth line, and insert as follows: "whose accounts have been allowed shall receive a pro rata amount upon their respective allowances."

Strike out all of sections 27, 28, 29, 30 and 31.

Respectfully submitted,

F. M. THOMPSON,  
CHAS S. BAGG.

On motion of Mr. POTTER, the Council resolved itself into a Committee of the Whole, for the further consideration of House Bill No. 51.

Mr. Worden in the chair.

The reading of the bill being finished, the Committee arose.

On motion of Mr. BAGG, their Chairman was allowed until to-morrow morning to report.

On motion of Mr. BAGG, the Council adjourned until this afternoon at 2 o'clock.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Mr. Potter.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce An Act concerning the construction of statutes;

Also, An Act to incorporate the Gallatin Valley Ditch Company;

Also, An Act to authorize the appointment of commissioners of deeds.

Council Bill No. 68, An Act to incorporate the Virginia City Gas Company;

Was read the first and second times, and referred to the Committee on Incorporations.

House Bill No. 7, An Act to incorporate the Nevada City and Red Rock Wagon Road Company;

Was read the first and second times, and on motion of Mr. BAGG, was referred to a Special Committee.

The President appointed Messrs. Bagg, Potter and Merriman as such Committee.

On motion of Mr. BAGG, the Committee have power to send for persons and papers.

House Bill No. 53, An Act to dissolve the bonds of matrimony between Homer R. Payne and Adaline Payne;

Was read the first time, and

On motion of Mr. BAGG, that the bill be rejected, the ayes and noes were demanded, with the following result :

In the affirmative—Messrs. Bagg, Potter and Mr. President.—3.

In the negative—Messrs. Leavitt, Merriman, Thompson and Worden.—4.

The motion was lost.

So the bill was read the second time, and referred to a Special Committee, consisting of Messrs. Leavitt, Merriman and Worden.

House Bill No 55, An Act to incorporate the Brandon Town Company;

Was read first and second times, and referred to the Committee on Towns and Counties.

On motion of Mr. MERRIMAN, the Sergeant-at-Arms was sent after Mr. Thompson.

House Bill No. 57, An Act to incorporate the Big Horn Town Company;

Was read first and second times, and referred to Committee on Towns and Counties.

Council Bill No. 58, An Act to incorporate the Sun River Ferry Company;

Was read first and second times, and referred to Committee on Judiciary.

House Bill No. 60, An Act concerning guardian and ward;

On motion of Mr. BAGG, the rules were suspended, and the bill was read first and second times, by its title, and referred to the Judiciary Committee.

On motion of Mr. LEAVITT, Council Bill No. 25, incorporating the North Side Ditch Company;

Was taken from the table, and on motion of Mr. POTTER, was ordered to be engrossed.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
January 13, 1865. }

*To the Hon. President of the Council :*

SIR :—The House concurred in, and passed without amendment, this day, Council Memorial No. 5, which is herewith returned to the Council.

WM. L. BROWN, *Clerk.*



Council Bill No. 38, An Act establishing a common school system for Montana Territory;

On motion of Mr. THOMPSON, the rules were suspended, and bill read third time, by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 54, An Act to incorporate the Madison Ditch Company;

On suspension of the rules, the bill was read the third time, by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 59, An Act to incorporate the Yellow Stone Anthracite and Bituminous Coal Company;

On suspension of the rules, the bill was read the third time, by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 64, An Act to enable road, ditch, manufacturing and other companies to become bodies corporate;

On suspension of the rules, the bill was read third time, and did not pass, ballot resulting as follows:

In the affirmative — Messrs. Leavitt, Potter and Worden.

In the negative — Messrs. Bagg, Merriman, Thompson, and Mr. President.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT: — Your Committee, to whom was referred Council Bill No. 65, An Act to incorporate the Excelsior Coal and Manufacturing Company, have had the same under consideration, and beg leave to report it back without amendment, with the recommendation that it pass.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred a substitute for Council Bill No. 55, have had the same under consideration, and beg leave to report it back with the following amendments, to wit:

Insert between the words “herein” and “and”, in the fourth line, section 7, the word “named;”

Also, in the same section, fifth line, between the words “such” and “as”, insert the word “rates;”

And recommend that it pass, as amended.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 66, An Act authorizing Frank H. Woody and C. E. Irvine to establish a bridge or ferry across the Hell Gate River, have had the same under consideration, and beg leave to report it back, with the recommendation that it pass.

Mr. MERRIMAN offered the following amendments to Council Bill No. 55:

In section 3, line 18, strike out the word “five,” and insert the word “four;”

Add to section 4: “and on failure to do so, any person who may travel said road and find it in bad condition shall have the right to make complaint before any justice of the peace in any county in which any part of said road is located. It shall be the duty of the justice of the peace to summon said company or any member thereof to appear before him to answer in said complaint within (not over) ten days from the date of said complaint, and if it be found that said road is in bad condition or unsafe to travel, it shall be the duty of said justice to impose a fine of not less than ten nor more than twenty dollars, to be collected from said company, and said person shall, by reason of making such complaint, be considered incompetent to testify in such case; and said justice shall issue his order that no toll shall be collected upon said road or any part thereof until it is put in good repair.”

On motion of Mr. BAGG, the Council adjourned.

SATURDAY, JANUARY 14, 1865.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Thompson.

The journal was read, corrected and approved.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 23, An Act to incorporate the Little Prickly Pear Wagon Road Company, have had the same under consideration, and beg leave to report it back without amendment.

Mr. WORDEN, from Committee of the Whole, made the following report:

Mr. PRESIDENT:—The Committee of the Whole having had House Bill No. 51, An Act to regulate proceedings in criminal cases, under consideration, would respectfully report the said bill back for the consideration of the Council, with the amendments adopted.

On motion of Mr. WORDEN, the rules were suspended, and House Bill No. 51 was read the first and second times, and laid on the table.

Mr. MERRIMAN, of Committee on Enrollment, made the following report:

Mr. PRESIDENT:—Your Committee have examined, and found correctly enrolled, Council Bill No. 12, An Act to incorporate the Valparaiso Mining Company;

Council Bill No. 63, An Act to incorporate the Consolidated Mining Company of Montana;

Council Bill No. 51, An Act to incorporate the Junction City Town Company;

Council Bill No. 30, An Act to preserve the district records in relation to leads, lodes and ledges.

Mr. POTTER, of Committee on Towns and Counties, made the following report :

Mr. PRESIDENT :— Your Committee, to whom was referred House Bill No. 57, An Act to incorporate the Big Horn Town Company, beg leave to report that they have had the same under consideration, and have instructed me to report the same back without amendment, with recommendation that it pass.

By Mr. POTTER,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce an act incorporating the Deer Lodge Mining Company.

Mr. MERRIMAN introduced Council Bill No. 70, An Act to incorporate the Gallatin Valley Ditch Company.

On motion, the rules were suspended, and the bill was read the first and second times, by its title, and referred to Judiciary Committee.

Mr. MERRIMAN introduced Council Bill No. 71, An Act concerning the construction of statutes.

On motion, the rules were suspended, and the bill read the first and second times, by its title, and referred to Judiciary Committee.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, {  
January 14, 1865. }

*To the Honorable President of the Council:*

SIR :— I am instructed to inform the honorable Council that the House passed this day the following bills :

House Bill No. 64, An Act to incorporate the Bozeman City and Milk River Wagon Road Company ;

House Bill No. 65, An Act to incorporate the Bozeman City and Fort Laramie Wagon Road and Telegraph Company ;

WM. L. BROWN, *Clerk.*

Mr. MERRIMAN introduced Council Bill No. 72, An Act to authorize the appointment of a commissioner of deeds ;

Which was read the first and second times, and referred to the Judiciary Committee.

House Bill on first reading :

House Bill No. 56, An Act to incorporate the Virginia City Gas Company ;

Was read the first and second times, and on motion of Mr. BAGG, was referred to the Committee on Incorporations.

Council Bill on third reading :

Council Bill No. 58, An Act to authorize Gad E. Upson and his associates to maintain a ferry across Sun River ;

Was read the third time, and passed by the following vote :

In the affirmative — Messrs. Merriman, Thompson, Worden, and Mr. President.

In the negative — Messrs. Bagg and Potter.

Mr. POTTER offered the following resolution :

*Resolved*, By the Legislative Council of the Territory of Montana, That a resolution passed by this House, granting the privileges and use of this Council Chamber to religious assemblies, be and the same is hereby repealed.

Which was adopted.

On motion of Mr. BAGG, the Sergeant-at-Arms was requested to inform the Rev. Mr. Smith of the passage of this resolution.

Mr. THOMPSON, from Judiciary Committee, reports that they have examined House Bill No. 58, An Act for the protection of roads, and recommend the amendments herewith submitted.

House Bill No. 58, An Act for the protection of roads ;

Was read the third time, and passed, by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, and Mr. President.

In the negative — Mr. Worden.

On motion of Mr. BAGG, Council Joint Resolution No. 1 was taken from the table and read the third time, and did not pass.

In the affirmative — Messrs. Bagg, Leavitt, and Potter.

In the negative — Messrs. Merriman, Thompson, Worden, and Mr. President.

On motion, the Council adjourned until Monday morning at 10 o'clock.



MONDAY, JANUARY 16, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Thompson.

The Journal was read, corrected and approved.

The consideration of Council Bill No. 2, An Act to locate the seat of government of Montana Territory, being made the special order of this morning;

On motion of Mr. POTTER, the Council resolved itself into a Committee of the Whole.

Mr. Worden in the chair.

After consideration of the bill, the Committee arose, and on motion of Mr. THOMPSON, the chairman has until afternoon to report.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 56, An Act to incorporate the Virginia City Gas Company;

Also, Council Bill No. 68, An Act to incorporate the Virginia City Gas Company;

Have had the same under consideration. Your Committee find that House Bill No. 56 passed the House of Representatives January 10th, and was referred to the Committee on Incorporations in the Council January 14;

Council Bill No. 58 was referred January 13;

We therefore beg leave to report the same back for the consideration of the Council.

Mr. MERRIMAN, of the Committee on Enrollment, reported that they have examined and found correctly enrolled,

Memorial No. 5, asking for a direct daily mail between Bannack City and the Missouri River.

Mr. THOMPSON, of the Judiciary Committee, reports that they have had under consideration Council Bill No. 71, An Act concerning the construction of statutes; and recommend its passage.

Also, Council Bill No. 72, An Act to authorize the appointment of commissioners of deeds; and recommend its passage.

Mr. THOMPSON also made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 60, have had the same under consideration, and report the same back with the following amendments:

Section 2, fourth line, strike out the words "not got a", and insert "no" before "guardian."

Section 5, strike out the words "to the people," and insert in lieu thereof, the words "in the name," after the word "taken."

Section 8, strike out, in last line in said section, the word "fourteen," and insert in its place the word "eighteen."

Section 10, in the 20th line, strike out the word "setting", and insert the word "posting," in lieu thereof.

The report was accepted, and the amendments adopted and ordered to be engrossed for third reading.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day I will introduce a bill having for its object the granting to Nelson M. Parsons the right to maintain a toll road from Nevada City to Red Rock, by request.

Also, that I will introduce a bill regulating the fees of officers, jurors and witnesses.

By Mr. BAGG,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to incorporate the Montana Ditch Company.

By Mr. POTTER,

I hereby give notice that on to-morrow, or some subsequent day,

I will introduce an act to secure water privileges for mining and mechanical purposes.

Mr. WORDEN, from the Committee on Engrossment, reports :  
That they have examined and found correctly engrossed,

Council Bill No. 25, An Act to incorporate the North Side Ditch Company ;

Also, Council Bill No. 55, An Act to incorporate the Prickly Pear and Virginia City Wagon Road Company ;

Also, Council Bill No. 31, An Act relating to counties and county officers.

They have also examined House Bill No. 47, An Act in relation to administrators, and find the amendments adopted by the Council engrossed thereon, as ordered ;

Also, have examined and found correctly engrossed, Council Bill No. 61, An Act for the collection of the revenue.

Which was adopted.

Mr. BAGG introduced Council Bill No. 73, An Act defining the boundary lines in Montana Territory ;

Which was read the first and second times, and on motion of Mr. WORDEN, was referred to a Special Committee of three, for which Committee Mr. President appointed Messrs. Worden, Leavitt and Merriman.

Mr. BAGG introduced Council Bill No. 74, An Act to increase the number of members in the Council and House of Representatives, and to apportion the Territory of Montana into Council and Representative Districts ;

Which was read the first and second times, and on motion of Mr. THOMPSON, was referred to a Special Committee of three members.

The President appointed as such Committee, Messrs. Thompson, Worden, and Merriman.

On motion of Mr. BAGG, the Council adjourned, until this afternoon at 2 o'clock.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Mr. Thompson.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT: — Your Committee, to whom was referred Council Bill No. 57, An Act authorizing A. Young, G. Steel and R. F. Lawless to establish and maintain a ferry across the Missouri River at Fort Benton, have had the same under consideration. Your committee are informed that the first Legislative Assembly of the Territory of Idaho passed an act granting a ferry charter to other parties at the same point on the Missouri River, we would therefore beg leave to report the same back for the consideration of the Council.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to create a fund for the benefit of schools.

Mr. WORDEN, Chairman of the Committee of the Whole made the following report:

Mr. PRESIDENT: — The Committee of the Whole having had under consideration Council Bill No. 2, beg leave to report the same back with the following amendments:

In the first line of section 1, strike out the word "permanent." In the sixth line, after the word "business," insert the following, "and that one week be allowed for said purpose."

Report was accepted and amendment adopted.

Motion of Mr. THOMPSON, that further action on Council Bill No. 2 be postponed until one week from next Wednesday;

Was not adopted.

On motion of Mr. POTTER, Council Bill No. 2, An Act to locate the seat of government of Montana Territory;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Potter, Thompson, Worden, and Mr. President.

In the negative — Mr. Merriman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
January 16, 1865. }

*To the Honorable President of the Council:*

SIR: — The House passed, this day, the following bills:

Council Bill No. 42, An Act to incorporate the Rocky Mountain Gold and Silver Mining Company;

House Bill No. 4, An Act to establish a water company in Virginia City;

House Bill No. 50, An Act to incorporate the Jefferson Mining Company;

House Bill No. 67, An Act to incorporate the Beaver Town Company.

The above named bills are herewith transmitted to the Council.

WM. L. BROWN, *Clerk*.

On motion of Mr. POTTER, Council Bill No. 27 was ordered to be returned to the House for the correction of their report on the amendments of said bill.

On motion of Mr. THOMPSON, the Council concurred in the House amendments to Council Bill No. 45, An Act to provide increased compensation to officers in this Territory.

House Bills on first reading:

House Bill No. 64, An Act to incorporate the Bozeman City and Fort Laramie Wagon Road and Telegraph Company;

Was read the first and second times, and referred to Committee on Incorporations.

House Bill No. 65, An Act to incorporate the Bozeman City and Milk River Wagon Road Company;

Was, on motion of Mr. BAGG, read the first and second times, by its title, and referred to the Committee on Incorporations.



House Bill No. 23, An Act to incorporate the Little Prickly Pear Wagon Road Company;

On motion of Mr. MERRIMAN, the rules were suspended, and the bill read by its title, and passed, by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 56. An Act to incorporate the Virginia City Gas Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Leavitt, Potter, Thompson, and Worden.

In the negative — Messrs. Bagg, Merriman, and Mr. President.

House Bill No. 47, An Act in relation to executors and administrators;

On motion of Mr. BAGG, the rules were suspended, and the bill read the third time, by its title, and passed, by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 57. An Act authorizing A. Young, G. Steel and R. F. Lawless to establish and maintain a ferry across the Missouri River at Fort Benton;

Was read the third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative — Mr. Potter.

House Bill No. 60, An Act concerning guardian and ward;

On motion of Mr. BAGG, the rules were suspended, and the bill read the third time, by its title, and passed, by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.—7.

In the negative, none.

Council Bill No. 25, An Act to incorporate the North Side Ditch Company ;

The question of concurrence or non-concurrence in the amendments in the House being before the Council ;

The ayes and noes being demanded ;

In the affirmative — Mr. Leavitt.

In the negative — Messrs. Bagg, Merriman, Potter, Thompson, Worden, and Mr. President.

So the amendments were not concurred in.

On motion of Mr. BAGG, a Committee of three was appointed, to confer with a like Committee from the House as to said amendments.

The President appointed Messrs. Bagg, Merriman, and Worden, as such Committee.

Council Bill No. 65, An Act to incorporate the Bozeman City and Milk River Wagon Road Company ;

Was read the third time, and passed, by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 31, An Act relating to counties and county officers ;

Was, on motion of Mr. BAGG, laid on the table.

Council Bill No. 68, An Act to incorporate the Virginia City Gas Company ;

Was, on motion of Mr. THOMPSON, postponed until the 4th day of July, 1865.

Council Bill No. 71, An Act concerning the construction of statutes ;

Was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. THOMPSON, the Council adjourned until to-morrow morning at 10 o'clock.

TUESDAY, JANUARY 17, 1865.

Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Potter.

The Journal was read and approved.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 60, An Act to incorporate the Empire Mining Company, have examined the same, and beg leave to report it back with the following amendments, to wit:

In Section 7, line 6, insert between the words "persons" and "and" in the seventh line, same section, the words "or to conflict with the laws of this Territory." Also, the same section, line 7, strike out the word "any" and substitute the words "a sufficient amount of," and add to the same section this proviso: *Provided* they shall hold and possess such amount of water in accordance with the district laws and the laws of this Territory.

Which report, on motion of Mr. BAGG, was accepted, amendments adopted, and the bill ordered to be engrossed.

Mr. MERRIMAN, from the Committee on Enrollment, reported Council Bill No. 42 correctly enrolled.

Mr. LEAVITT, from the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 67, An Act to incorporate the Silver Mountain Mining Company, have had the same under consideration, and beg leave to report it back with the following amendment, to wit:

Add to Section 6, "In accordance with district laws as relates to gulch claims and the laws of this Territory;"

And recommend its passage, as amended.

The report was accepted, and the amendment adopted.

Mr. LEAVITT, from the Committee on Incorporations, made the following majority report:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 70, An Act to incorporate the Gallatin Valley Ditch Company, have had the same under consideration. We are of the opinion that should this act become a law, the agricultural interests of Gallatin Valley will be seriously injured thereby, and therefore beg leave to report it back with the recommendation that it do not pass.

E. D. LEAVITT,

A. S. POTTER.

Mr. WORDEN, from Committee on Incorporations, made the following minority report:

Mr. PRESIDENT:—A minority of your Committee to whom was referred Council Bill No. 70, An Act to incorporate the Gallatin Valley Ditch Company, have had the same under consideration, and would respectfully report that they believe that it would be for the interest of the settlers of the Gallatin Valley to have the bill pass, as it proposes to bring under a fit state for cultivation a large body of high table land, by bringing water over the same, and does not interfere with the prior rights of any settlers, but on the other hand proposes to assist them in irrigation of their lands. And also it is impossible for the said Ditch Company to take all of the water from the Gallatin River, so as to prevent the settlers along the bank of the river from irrigating their own land.

F. L. WORDEN.

Mr. POTTER, from Committee on Towns and Counties, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 55, An Act to incorporate the town of Brandon, have had the same under consideration, and beg leave to report the same back without amendment, and would recommend its passage.

Which was adopted.

Mr. POTTER, from Committee on Mines and Minerals, made the following report :

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 69, beg leave to report that they have had said bill under consideration, and would recommend the following amendments :

Add after section three the following words: *Provided*, That all quartz ore or mineral taken from said tunnel, from leads, lodes or ledges belonging to parties other than the said Tunnel Company, shall be deposited on the surface by said Tunnel Company, and belong to the original occupants or owners of said lead, lode or ledge.

In section 4, 6th line, strike out the word “fifty,” and insert the words “one hundred” in lieu thereof.

Which report was accepted and amendments adopted.

Mr. WORDEN, from Special Committee, made the following report :

Mr. PRESIDENT:—Your Special Committee, to whom was referred Council Bill No. 73, An Act defining the boundary lines of counties in Montana Territory, have had the same under consideration, and beg leave to report the same back without amendment, and would recommend its passage.

Which report was adopted.

Mr. WORDEN, from the Special Committee, made the following report :

Mr. PRESIDENT:—Your Special Committee, to whom was referred House Bill No. 53, An Act to dissolve the bonds of matrimony existing between Homer R. Payne and Adaline Payne his wife, have had the same under consideration, and beg leave to report the same for the further consideration of the Council, with the affidavit attached, being all the facts that have been presented to the Committee in regard to the same.

F. L. WORDEN,  
E. D. LEAVITT,  
N. MERRIMAN.

Which report was adopted.

By Mr. WORDEN,

I hereby give notice that on to-morrow, or some subsequent day,



I will introduce a bill to incorporate the Missoula Town Company.

By Mr. POTTER,

I hereby give notice that on to-morrow, or some subsequent day of the session, I will introduce an act supplementary to an act entitled an act relating to leads, lodes and ledges.

Mr. MERRIMAN introduced Council Bill No. 75, An Act to incorporate the Nevada and Red Rock Wagon Road Company;

Which was read the first time, and on motion of Mr. WORDEN to reject the bill;

The ayes and noes were demanded, with the following result:

In the affirmative — Messrs. Potter and Worden.

In the negative — Messrs. Bagg, Leavitt, Merriman, Thompson, and Mr. President.

The motion was not adopted.

The bill was read the second time, and referred to a Special Committee, who have another bill of the same character under consideration.

Mr. BAGG introduced Council Bill No. 76, An Act to incorporate the Montana Ditch Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. POTTER introduced Council Bill No. 77, An Act to incorporate the Deer Lodge Valley Mining Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. POTTER introduced Council Bill No. 78, An Act to secure water privileges for mining and mechanical purposes;

Which was read the first and second times, and referred to the Committee on Internal Improvements.

House Bills on first reading:

House Bill No. 50, An Act to incorporate the Jefferson Mining Company;

Was read first and second times, and referred to Committee on Incorporations.

House Bill No. 67, An Act to incorporate the Beaver Town Company;

Was read the first and second times; and on motion of Mr. MERRIMAN, the rules were suspended, bill read third time, by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bills on third reading:

Council Bill No. 61, An Act providing for the collection of revenue;

On motion of Mr. POTTER, the rules were suspended, the bill read the third time by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Worden, and Mr. President.—6.

In the negative, none.

Council Bill No. 55, An Act to incorporate the Prickly Pear and Virginia Wagon Road Company;

Was read the third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.—7.

In the negative, none.

Council Bill No. 57, An Act authorizing A. Young, G. Steel and R. F. Lawless to establish and maintain a ferry across the Missouri River at Fort Benton.

On motion of Mr. MERRIMAN, the bill was indefinitely postponed.

Council Bill No. 72, An Act to authorize the appointment of commissioners of deeds;

Was read the third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 66, An Act authorizing Frank H. Woody and C. E. Irvine to establish a ferry or bridge across the Hell Gate River.

On motion of Mr. BAGG, the rules were suspended, and the bill read third time, by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

By Mr. MERRIMAN,

I hereby give notice, that on to-morrow or some subsequent day, I will introduce a bill legalizing the acts of certain officers of the county of Jefferson.

On motion of Mr. BAGG, the Council adjourned until 2 o'clock P. M.

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#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent, none.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
January 17, 1865. }

*To the Hon. President of the Council:*

SIR: — With the message of your Secretary of this day, House Bill No. 4, An Act to establish a water company in Virginia City, was returned to the House without any note of the action of the Council upon the same ;

Also, Council Bill No. 58, An Act to authorize William Chumasero and his associates to maintain a ferry across Sun River, reported in the message of your Secretary, the Clerk of the House has been unable to find.

The said House Bill No. 4, is herewith returned to the Council for action upon the same.

WM. L. BROWN, *Clerk.*

The following messages were received from the Governor :

EXECUTIVE OFFICE, BANNACK CITY, {  
January 16, 1865. }

*To the Hon. President of Council :*

SIR: — I have this day approved Memorial No. 5, asking for a direct mail between Bannack City and the Missouri River.

Respectfully yours,

SIDNEY EDGERTON, *Governor.*

EXECUTIVE OFFICE, {  
January 17, 1865. }

*To the Hon. President of the Council :*

SIR: — I have this day approved the following Council Bills :

Council Bill No. 12, An Act to incorporate the Valparaiso Gold and Silver Mining Company ;

Council Bill No. 30, An Act to preserve the district records in relation to leads, lodes and ledges ;

Council Bill No. 51, An Act to incorporate the Junction City Town Company ;

Council Bill No. 63, An Act to incorporate the Consolidated Mining Company of Montana.

Respectfully yours,

SIDNEY EDGERTON, *Governor.*

Mr. LEAVITT, from the Committee on Incorporations, made the following report :

Mr. PRESIDENT: — Your Committee, to whom was referred Council Bill No. 56, An Act to incorporate the Missouri River Portage and Railroad Company, have had the same under consideration, and beg leave to report it back, with the following amendments, to wit :

Strike out all of Section 9, and substitute this section :

It shall be the duty of said company to complete said road or roads at such time specified: a wagon road within two years and a railroad within five years after the passage of this act; otherwise this franchise shall become void.

Also, in Section 13, ninth line, strike out all between the word "passengers" and the words "and shall" in the 11th line, same section.

Also, after Section 15, add the following section, to wit:

Nothing in this act shall be so construed as to prevent the county commissioners of the county in which said road or roads are located, from establishing and regulating the rates of toll and freight to be paid.

The report was accepted, and the amendments adopted.

Council Bill No. 56, An Act to incorporate the Missouri River Portage and Railroad Company;

On motion of Mr. BAGG, the rules were suspended, and the bill read the third time, by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. BAGG, from the Special Committee, made the following report:

Mr. PRESIDENT: — Your Special Committee, appointed to confer with a like Committee from the House, to agree upon certain amendments to Council Bill No. 25, have agreed to the amendments made by the House, and embodied in said bill, an additional amendment to Section 4, as follows:

*Provided further*, All water conveyed in said ditch and not used by said company, shall be sold by said company at such price and in such manner as the county commissioners shall regulate and direct.

CHAS S. BAGG.

F. L. WORDEN,

N. MERRIMAN.

On motion of Mr. WORDEN, the amendments of the House, and the additional amendment of the Committee, were concurred in and adopted.

Mr. LEAVITT offered the following Joint Resolution:

*Resolved*, By the Legislative Assembly of the Territory of Montana, That a Joint Committee, of three from the Council, and three from the House of Representatives. be appointed to select a Territorial Seal for the Territory of Montana, and to agree upon



an appropriate device and motto for the same. And that said Committee report as soon as practicable.

Which was adopted.

Mr. POTTER offered the following resolution :

*Resolved*, By the Legislative Council of the Territory of Montana, That the House of Representatives be requested to return *immediately* to this House, the bill concerning crimes and punishments, together with a correct report of the amendments made by the House of Representatives.

Which was adopted.

House Bill on third reading :

House Bill No. 53, An Act to dissolve the bonds of matrimony existing between Homer R. Payne and Adaline Payne.

Motion of Mr. POTTER, that the bill be indefinitely postponed ;

Was not adopted.

On motion of Mr. LEAVITT, the bill was laid on the table.

House Bill No. 55, An Act to incorporate the Brandon Town Company ;

Was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President. Total, 7.

In the negative, none.

Council Bill No. 70, An Act to incorporate the Gallatin Valley Ditch Company ;

On motion of Mr. BAGG, was committed to Committee on Incorporations, and the Committee instructed to report on Thursday morning.

Council Bill No. 73, An Act defining the boundaries of counties of Montana Territory :

On motion of Mr. POTTER, the rules were suspended, bill read third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 76, and Council Bill No. 77, have had the same under consideration, and beg leave to report the same back, with the recommendation that both bills pass without amendment.

Which was adopted.

Council Bill No. 76, An Act to incorporate the Montana Ditch Company ;

On motion, the rules were suspended, the bill read the third time, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 77, An Act to incorporate the Deer Lodge Valley Mining Company ;

On motion, the rules were suspended, bill read third time by its title, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. BAGG, the Council adjourned until to-morrowing at 10 o'clock.

WEDNESDAY, JANUARY 18, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

All the members present.

The Journal was read and approved.

Mr. LEAVITT, of Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 50, have had the same under consideration, and beg leave to report it back without amendment.

Mr. MERRIMAN, of Committee on Internal Improvements, to whom was referred Council Bill No. 78, An Act to secure water privileges for mining and mechanical purposes, reports that the Committee have had the same under consideration, and beg leave to report the same back, and recommend its passage.

Which was adopted.

By Mr. POTTER,

I hereby give notice that on to-morrow, or some subsequent day of the session, I will introduce a bill to incorporate the Ashland Gold and Silver Mining Company.

Mr. WORDEN introduced Council Bill No. 79, An Act to incorporate the Missoula Town Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. POTTER introduced Council Bill No. 80, An Act supplementary to an act entitled an act relating to the discovery of gold and silver quartz leads, lodes and ledges, and the manner of their location.

Mr. BAGG objecting to the bill, the ayes and noes were demanded on the rejection of the same :

Those voting in the affirmative were Messrs. Bagg, Leavitt, Merriman, Potter and Worden.

In the negative — Messrs. Thompson and Mr. President.

So the bill was rejected.

The following message was received from the Governor :

EXECUTIVE OFFICE, BANNACK CITY, {  
January 18, 1865. }

*To the Hon President of the Council :*

SIR: — I have this day approved Council Bill No. 42, entitled An Act to incorporate the Rocky Mountain Gold and Silver Mining Company.

Respectfully, Yours,

SIDNEY EDGERTON, *Governor.*

Mr. MERRIMAN introduced Council Bill No. 81, An Act to incorporate the Prickly Pear, Deer Lodge and Silver Bow Wagon Road Company ;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. WORDEN, of Committee on Engrossment and Enrollment, reports that they have examined, and found correctly engrossed, Council Bill No. 67, An Act to incorporate the Silver Mountain Mining Company.

House Bills on first reading :

House Bill No. 4, An Act to establish a water company in Virginia City ;

Was read the first and second times, and on motion of Mr. Leavitt, was referred to a Special Committee, consisting of Messrs. Potter, Bagg and Leavitt.

On motion of Mr. BAGG, that a Committee of three be appointed to confer with a similar Committee on part of the House to revise a list of laws passed by the Legislature.

Motion was adopted.

The Committee consists of Messrs Bagg, Merriman and Worden.

Mr. WORDEN, of the Committee on Engrossment and Enrollment, reports that they have examined, and found correctly en-

grossed Council Bill No. 60, An Act to incorporate the Empire Mining Company ;

Also, Council Bill No. 69, An Act concerning the location of tunnel claims.

On motion of Mr. MERRIMAN, Council Bill No. 44, An Act to incorporate the Bannack City and Montana Wagon Road Company ;

Was taken from the table and read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Thompson, Worden and Mr. President.

In the negative — Mr. Potter.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 65, An Act to incorporate the Bozeman City and Milk River Wagon Road Company, have had the same under consideration, and beg leave to report it back with the following amendment, to wit :

Section 6, line 7, strike out the word “fifteen,” and insert in lieu thereof the word “ten.”

Report was accepted and amendment adopted.

On motion of Mr. THOMPSON, the rules were suspended, and Council Bill No. 65, An Act to incorporate the Bozeman City and Milk River Wagon Road Company ;

Was read the third time, by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 64, An Act to incorporate the Bozeman City and Fort Laramie Wagon Road and Telegraph Company, have had



the same under consideration, and beg leave to report it back with the following amendment, to wit :

Section 6, line 7, strike out the word "fifteen," and insert the word "ten" in lieu thereof.

The report was accepted and amendment adopted.

House Bill No. 64, An Act to incorporate the Bozeman City and Fort Laramie Wagon Road and Telegraph Company;

On motion, the rules were suspended, and the bill read the third time, by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. LEAVITT, the Council adjourned until this afternoon at 2 o'clock.

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#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Thompson and Worden.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT : — Your Committee to whom was recommitted Council Bill No. 70, An Act to incorporate the Gallatin Valley Ditch Company, have again examined the same, and beg leave to report it back, with the following amendment, to wit :

Section 3, line four, strike out the word "ten," and insert in lieu thereof the word "two."

The report was accepted, and the amendment adopted.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT : — Your Committee, to whom was referred Council Bill No. 79, An Act to incorporate Missoula Town Com-

pany, have had the same under consideration, and beg leave to report it back without amendment.

Mr. LEAVITT introduced Council Bill No. 83, An Act to incorporate the Bannack Gold and Silver Mining Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

House Bill on third reading:

House Bill No. 50, An Act to incorporate the Jefferson Mining Company;

Was read the third time, and passed, by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, and Mr. President.

In the negative, none.

Council Bill No. 67, An Act to incorporate the Siver Mountain Mining Company;

On motion of Mr. POTTER, the rules were suspended, the bill read the third time, by its title, and passed, by the following vote:

In the affirmative—Messrs. Leavitt, Merriman, Potter, Thompson, and Mr. President.

In the negative — Mr. Bagg.

Council Bill No. 60, An Act to incorporate the Empire Mining Company;

On motion of Mr. BAGG, the rules were suspended, and the bill was read the third time, by its title, and passed, by the following vote:

In the affirmative — Messrs. Leavitt, Merriman, Potter, Thompson, and Mr. President.

In the negative — Mr. Bagg.

Council Bill No. 69, An Act concerning the location of tunnel claims;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, and Mr. President.

In the negative — Mr. Thompson.

Council Bill No. 78, An Act to secure water privileges for mining and mechanical purposes;

On motion of Mr. POTTER, the bill was recommitted to the Committee on Internal Improvements.

Motion of Mr. LEAVITT, that Council Bill No. 52 be taken from the table;

Was not adopted.

On motion of Mr. THOMPSON, the Council adjourned until to-morrow morning at 10 o'clock.

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THURSDAY, JANUARY 19, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent—Mr. Thompson.

The journal was read and approved.

Mr. WORDEN, of Committee on Engrossment and Enrollment, made the following report :

Mr. PRESIDENT :—Your Committee have examined and found correctly engrossed,

Council Bill No. 56, An Act to incorporate the Missouri River Portage and Railroad Company ;

Also, Council Bill No. 70, An Act to incorporate the Gallatin Valley Ditch Company.

Mr. MERRIMAN, of Committee on Enrollment, reports that they have examined and found correctly enrolled,

Council Bill No. 45, An Act to provide increased compensation to officers in this Territory.

Mr. THOMPSON, of the Special Committee, made the following report :

Mr. PRESIDENT :—The Committee to whom was referred Council Bill No. 74, An Act to increase the number of members of the

Council and House of Representatives, &c., beg leave to offer the following report :

The first section of the bill provides that the additional members of the Council to be elected, shall only continue in office for one year, which is against the provisions of the Organic Act, and consequently should be amended and stricken out.

Your Committee believe that the development of the rich mineral deposits and agricultural wealth of other portions of the Territory, have influenced immigration to such an extent that the county of Madison, does not at this time contain a majority of the population of this Territory, and they do not think that they should, in justice to other portions of the Territory, allow the returns of the last election to influence them in their decision in this matter of apportionment to such an extent as it would if it were not apparent to all who take any interest in the subject, that the counties of Gallatin, Jefferson, Edgerton and Deer Lodge are fast appropriating to themselves nearly all the floating population of Virginia City and the surrounding villages. Therefore, in the opinion of the Committee, it would be an act of injustice to adopt the second and remaining sections of this act, and we would respectfully recommend that all but the enacting clause be stricken out, and the accompanying sections be inserted in place thereof. Your Committee are of the opinion that the substitute is as near a just apportionment as it is possible to arrive at, it being almost impossible to do exact justice to all parts of the Territory, because of the large proportion of floating population incident to a mining country.

F. M. THOMPSON,	} <i>Committee.</i>
F. L. WORDEN,	
N. MERRIMAN.	

On motion of Mr. BAGG, the report and bill were laid on the table, and made the special order for Tuesday next at 2 o'clock P. M.

Mr. BAGG introduced Council Bill No. 83, An Act to incorporate the Montana Bridge Company ;

Which was read the first and second times, and referred to the Committee on Incorporations.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, {  
January 14, 1865. }

*To the Honorable President of the Council:*

SIR: — The House passed this day the following bills:

Council Bill No. 19, An Act to incorporate the Beaver Head Mining Company;

Council Bill No. 71, An Act concerning the construction of statutes;

Council Bill No. 65, An Act to incorporate the Excelsior Coal Mining and Manufacturing Company;

Council Bill No. 37, An Act concerning weights and measures.

The amendments of the Conference Committee to Council Bill No. 25, An Act to incorporate the South Side Ditch Company, have been concurred in by the House, and the said bill, with the other above named Council Bills, are herewith returned to the Council.

The House approved the amendments of the Council to House Bill No. 58, An Act for the protection of roads;

Also, the amendments to House Bill No. 60, An Act concerning guardian and ward.

The House, in obedience to a resolution of the Council, appointed a Committee to act in conjunction with the Committee of the Council to select a Territorial Seal, and to agree upon an appropriate device and motto for the same.

Messrs. Mahew, McCormick and Bell were appointed as such Committee.

The following resolution passed the House, and it is respectfully asked that the Council adopt the same:

*Resolved*, By the House of Representatives, the Council concurring, That there shall not be any act of a private nature introduced in either House after the 23d inst.

The House passed the following bills, which are herewith transmitted to you for the approval of the Council:

House Bill No. 70, An Act to incorporate the Fort Benton and Kootenay Wagon Road Company;



House Bill No. 68, An Act to incorporate the Rams Horn Toll Road Company;

House Bill No. 66, An Act concerning limitations;

House Bill No. 26, An Act to incorporate the Pleasant Valley and Dry Creek Canon Wagon Road Company;

House Bill No. 69, An Act concerning marks and brands;

And the amendments of the Council to House Bills Nos. 64 and 65 were approved by the House.

WM. L. BROWN, *Clerk.*

Mr. POTTER introduced Council Bill No. 84, An Act to incorporate the Ashland Gold and Silver Mining Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
January 19, 1865. }

*To the Hon. President of the Council :*

SIR : — In accordance with a request of the Council, the House appointed a Committee to note and report the amendments of the House to Council Bill No. 27, An Act concerning crimes and punishments;

The amendments of the House to said bill, as adopted by the Committee, are herewith transmitted to the Council.

The House passed this day the following resolution :

*Resolved*, That a Committee of three be appointed from this House, to confer with a like Committee of three from the Council, to draft An Act regulating the fees of officers, jurors and witnesses.

In accordance with the above resolution, Messrs. Mayhew, Bell and Smith were appointed said Committee on part of the House.

WM. L. BROWN, *Clerk.*

Council Bill No. 70, An Act to incorporate the Gallatin Valley Ditch Company;

Was read the third time, and on motion of Mr. THOMPSON, was laid on the table.

Mr. President appointed the following members as a Special Committee, to act in conjunction with a similar Committee from the House, to select a Territorial Seal, and to agree upon an appropriate device and motto for the same: Messrs. Thompson, Potter and Leavitt.

Council Bill No. 79, An Act to incorporate the Missoula Town Company;

On motion of Mr. BAGG, the rules were suspended, and bill read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative — Mr. Potter.

On motion of Mr. POTTER, House Bill No. 51, An Act to regulate proceedings in criminal courts;

Was taken from the table for third reading.

On motion of Mr. THOMPSON, that sections from 150 to 174, inclusive, be stricken out, and a substitute (which accompanied the motion) be inserted in their stead;

The ayes and noes being demanded,

In the affirmative — Messrs. Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative — Messrs. Bagg and Potter.

So the motion was adopted.

On motion of Mr. THOMPSON, the Council adjourned until this afternoon at 2 o'clock.

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#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Bagg and Potter.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:— Your Committee to whom was referred

Council Bill No. 82, An Act to incorporate the Bannack Gold and Silver Mining Company, have considered the same, and report it back without amendment.

On motion of Mr. LEAVITT, House Bill No. 51, An Act to regulate the proceedings in criminal courts;

Was made the special order for to-morrow at two o'clock P. M.

On motion of Mr. MERRIMAN, the President appointed the following Committee of three to confer with a like Committee from the House to draft An Act regulating the fees of officers, jurors and witnesses. The Committee consists of Messrs. Merriman, Thompson and Bagg.

The House Resolution, that there shall not be any act of a private nature introduced in either House after the 23d inst. was concurred in by the Council.

On motion of Mr. BAGG, Council Bill No. 27, An Act concerning crimes and punishments;

Was referred (with amendments of the House) to Judiciary Committee.

On motion of Mr. POTTER, the Council resolved itself into a Committee of the Whole for the consideration of the Civil Practice Act.

Mr. Potter in the chair.

After mature deliberation, the Committee arose, and on motion of Mr. THOMPSON, their chairman was given until to-morrow to report.

On motion of Mr. POTTER, the vote on Council Bill No. 27, (which referred said bill to Judiciary Committee) was reconsidered.

On motion of Mr. POTTER, the Council resolved itself into a Committee of the Whole for the consideration of House amendments to Council Bill No. 27, An Act relating to crimes and punishments.

Mr. Potter in the chair.

A message from the House being announced, the President resumed the chair to receive the following message :

HOUSE OF REPRESENTATIVES, {  
January 19, 1865. }

*To the Hon. President of the Council:*

SIR: — The House this day passed the following bill :

House Bill No. 18, An Act regulating proceedings in civil cases in the courts of justice of the Territory of Montana ;

The said bill is herewith transmitted to you for the approval of the Council.

WM. L. BROWN, *Clerk.*

After a full consideration of the House amendments to Council Bill No. 27, the Committee arose, and on motion of Mr. WORDEN, the chairman has until to-morrow morning to report.

On motion of Mr. BAGG, the Council adjourned until to-morrow morning at 10 o'clock.

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FRIDAY, January 20, 1865.

Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Leavitt.

The journal of yesterday was read, corrected and approved.

Mr. POTTER, from the Committee of the Whole, made the following report :

Mr. PRESIDENT: — The Committee of the Whole, for the consideration of the Civil Practice Act, beg leave to report that they have made no progress.

A. S. POTTER, *Chairman.*

Mr. POTTER, from the Committee of the Whole, made the following report:

Mr. PRESIDENT:—The Committee of the Whole having had under consideration An Act relating to crimes and punishments, beg leave to make the following report:

Said Committee agreed to concur in House amendments to Sections 38, 53, 56, 69, 93, 127, 131 and 70.

Amendments to Sections 58, 60, 61, 64, 160, 161 and 162, were not concurred in.

It was agreed that Section 43 would be concurred in with the following amendments:

Strike out all words after the word "life," in the eighth line, and before the word "and," in the seventeenth line, and that wherever the word "death" occurs as a penalty, the same shall be stricken out, and the words "imprisonment for life," substituted therefor.

A. S. POTTER, *Chairman.*

On motion of Mr. WORDEN, the report was laid on the table, to be taken up with the bill in its order.

By Mr. WORDEN,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to incorporate the Willow Creek Town Company.

Mr. THOMPSON offered the following resolution:

*Resolved*, By the Council, (the House concurring,) That the mountain in Beaver Head County now known as Bald Mountain be named Mount Lewis, and the next high peak to the northward of it Mount Clark, in honor of the first explorers of this region.

Which was adopted.

House Bills on first reading:

House Bill No. 26, An Act to incorporate the Pleasant Valley and Dry Creek Canon Wagon Road Company;

Was read the first time, and on motion of Mr. BAGG, was rejected.



House Bill No. 66, An Act concerning limitations;

Was read the first and second times, and referred to the Judiciary Committee.

House Bill No. 68, An Act to incorporate the Rams Horn Toll Road Company;

Was read first and second times, and referred to Committee on Incorporations.

House Bill No. 69, An Act concerning marks and brands;

Was read the first and second times, and on motion of Mr. LEAVITT, was referred to the Committee on Agriculture.

House Bill No. 70, An Act to incorporate the Fort Benton and Kootenay Wagon Road Company;

Was read the first and second times, and referred to the Committee on Incorporations.

Council Bills on third reading :

Council Bill No. 82, An Act to incorporate the Bannack Gold and Silver Mining Company;

Mr. WORDEN offered the following amendment to section 1 :

Said corporation shall have power to establish an office in the city of New York for the transaction of their business;

Which was adopted,

And the bill read the third time, and passed by the following vote :

In the affirmative — Messrs. Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative — Messrs. Bagg and Potter.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT :— Your Committee, to whom was referred Council Bill No. 84, An Act to incorporate the Ashland Gold and Silver Mining Company, have examined the same, and ask leave to report it back without amendment.

Mr. LEAVITT, from the Committee on Incorporations, made the following report :

Mr. PRESIDENT :— Your Committee, to whom was referred

Council Bill No. 81, An Act to incorporate the Prickly Pear, Deer Lodge and Silver Bow Wagon Road Company, have had the same under consideration, and beg leave to report it back with the following amendments, to wit:

Section 5, line 8, strike out the word "one" and insert "fifty," and in line 9 strike out the word "dollars," and substitute the word "cents."

Which report was accepted and amendments adopted.

Mr. POTTER of Committee on Agriculture made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 49, An Act concerning fences, beg leave to report that they have had the same under consideration, and would recommend that said bill do not pass.

Mr. MERRIMAN of Committee on Internal Improvements, to whom was referred Council Bill No. 78, An Act to secure water privileges for mining and mechanical purposes, reports that they have had the same under consideration, and recommend that it do not pass.

On motion of Mr. POTTER, the Council resolved itself into a Committee of the Whole for the consideration of House Bill No. 18, An Act regulating proceedings in civil cases in the courts of justice of the Territory of Montana.

Mr. Potter in the chair.

After some time spent in consideration of said bill, the Committee arose, and asked leave to sit again.

On motion of Mr. BAGG, the Council adjourned until 2 o'clock P. M.

## AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Leavitt.

Mr. THOMPSON introduced Council Bill No. 85, An Act to secure certain privileges to Thomas D. Pitt;

Which was read the first and second times, and on motion of Mr. THOMPSON, the rules were suspended, and the bill read the third time, and did not pass.

Those voting in the affirmative were — Messrs. Leavitt and Thompson.

In the negative — Messrs. Bagg, Merriman, Potter, Worden, and Mr. President.

By Mr. MERRIMAN,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to incorporate the Eureka Coal and Manufacturing Company.

By Mr. POTTER,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to incorporate the Virginia City Stock Board of Trade.

House Bill No. 51, An Act to regulate proceedings in criminal cases, &c., being made the special order for this afternoon, was taken up; and

On motion of Mr. THOMPSON, the bill was put on its third reading.

On motion of Mr. WORDEN, the rules were suspended, and the bill was read the third time, by its title, and passed, by the following vote:

In the affirmative — Messrs. Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative — Messrs. Bagg and Potter.

On motion of Mr. BAGG, the Council resolved itself into a Committee of the Whole, for the further consideration of House Bill No. 18:

Mr. Potter in the chair.

After some time spent in the consideration, the Committee rose, and through their Chairman made the following report:

Mr. PRESIDENT:—Your Committee of the Whole have had under consideration House Bill No. 18, An Act relating to the general civil practice, and beg leave to report the same back without amendment, having made no progress with the same.

A. S. POTTER, *Chairman*.

Which report was adopted.

On motion of Mr. THOMPSON, House Bill No. 18 was referred to a Select Committee, consisting of the President and Mr. Potter.

Mr. MERRIMAN introduced Council Bill No. 86, An Act to incorporate the Eureka Coal Mining and Manufacturing Company;

On motion of Mr. LAWRENCE, the bill was read the first and second times, by its title, and referred to the Committee on Incorporations.

On motion of Mr. MERRIMAN, the Council adjourned until to-morrow morning at 10 o'clock.

SATURDAY, JANUARY 21, 1865.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Merriman and Thompson.

Journal of yesterday read and approved.

Mr. WORDEN, from Committee on Engrossment and Enrollment reported that they have examined, and found correctly engrossed, Council Bill No 81, An Act to incorporate the Prickly Pear, Deer Lodge and Silver Bow Wagon Road Company.

Mr. LEAVITT, from the Committee on Incorporations, made the following report :

Mr. PRESIDENT : — Your Committee, to whom was referred Council Bill No. 83, An Act to incorporate the Montana Bridge Company, have had the same under consideration, and beg leave to report it back, with the following amendment, to wit :

After section 7 add the following section :

Nothing in this act shall be so construed as to interfere with the prior rights of any other persons or persons, corporation or corporations.

Which report was accepted, and amendment adopted.

Mr. WORDEN introduced Council Bill No. 86, An Act to incorporate the Willow Creek Town Company ;

Which was read the first and second times ; and on motion of Mr. WORDEN, the rules were suspended and bill read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative — Mr. Potter.



House Bill No. 49, An Act concerning fences ;

On motion of Mr. POTTER, the action on the bill was indefinitely postponed.

Council Bills on third reading :

Council Bill No. 78, An Act to secure water privileges for mining and mechanical purposes ;

On motion by Mr. BAGG, further action on the bill was indefinitely postponed.

Council Bill No. 84, An Act to incorporate the Ashland Gold and Silver Mining Company ;

Was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. BAGG, as Chairman of the Committee on Federal Relations, made the following report :

Mr. PRESIDENT : — Your Committee to whom was referred that portion of the Governor's Message relating to the " war," with " prospects of peace," have had the same under consideration, and ask to report the following in response :

Your Committee appreciate with lively and profound respect the patriotic reference made by the Governor in his message, to the great struggle being had upon the once happy, peaceful and prosperous soil of the American Republic.

They are aware of its existence, and understand clearly the effect of its bearing upon the civil, religious and political rights of the individual citizen : secretly, silently and surely engulfing him in a vortex of ruin by the overwhelming waves of internecine war, shrouding the nation with shame and sorrow. They are also conversant with the awful fact that under the rule of hate, intolerance, madness and folly, the fraternal feelings heretofore existing in the land have been destroyed, and it now becomes the pride and pleasure of Masons, Odd Fellows, Presbyterians, Methodists, Unitarians, and Baptists, to bathe their swords in each other's blood, cheering one another along the broad road of unnatural strife to a sure and certain destruction.

Although at a great distance from the scene of this horrid strife,

we nevertheless have a deep interest in the welfare of the American family, fervently praying and sincerely hoping that the nation may become divested of its intolerance and idolatry, pride and selfishness, to return through the valley of humiliation, studying the principles of reciprocal rights and duties as representative localities, to march again up the eminence of peace, prosperity and happiness, to enjoy mutual good will, the freedom of speech, the freedom of the press, and all the rights guaranteed by the Constitution.

Happy would it have been for the members of the American family had they practiced upon the principles of concession and compromise that were entertained by the fathers of the republic, and sustained by the succeeding patriots who immediately followed them. Happy would it have been if all had listened to and heeded the warning voice of the immortal Washington, to have rebuked successfully the insidious wiles of the internal enemies of our country, and had frowned indignantly upon the first dawning of any attempt to alienate or prejudice one portion of our common country from another.

When your Committee cast a retrospective view upon the history of the past, treasuring in memory the patriotism of the preceding generations, as exemplified in the conduct and self-sacrifice of Clay, Webster, and their compeers, who labored in life to heal dissensions, allay strife, rebuke fanaticism and intolerance, to preserve the government and cement the Union by extending concessions and perfecting compromises that were dissimilar in spirit and utility to those practiced on by the founders of the government, they cannot condemn too severely the conduct of those who have entertained fanaticism and intolerance, practiced strife, created dissensions, ignoring compromises, turning a deaf ear to the warning voice of the Father of the Country.

Your Committee cannot condemn too severely the domineering spirit of politico-religionists who have forsaken the path of duty, disobeyed the commands of their Master, whose mission they have assumed, and with a blind zeal have cultivated throughout the land, north, south, east and west, a spirit of self-righteousness, leading their fellows through the paths of false philanthropy on the one hand and idolatry on the other, into the gory fields of strife, bloodshed and death, and are still urging from all sides men on to the

combat, arousing the baser passions of human nature to take the place of kindness, forbearance, peace and good will, dangerous to the liberties, rights and privileges of the individual freeman in all the localities. When your Committee are instructed by past history, whether sacred or profane, they are led to believe the present civil war in our land will assume, as like wars have in the past, a ferocity of barbarism and inhumanity that will destroy all sentiments of fraternal union, all principles of Christian charity and public justice, until self government is swallowed up, consolidating and centralizing all interest in the will and power of some military genius, heretofore tending to one supreme head.

Your Committee believe that the only salvation of the republic, the only way to guaranty that liberty indispensable to every American freeman, and so necessary for a lasting republic, is to cease from one end of the country to the other the unnatural strife existing, meet together in reason, in good will, and compromise all the difficulties supposed to exist.

All of which is respectfully submitted.

CHAS. S. BAGG, *Chairman*.

The above report was adopted.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred the appropriate sub-divisions of the Governor's message, by the Council in Committee of the Whole, have examined the same according to instructions.

Your Committee have no suggestions to make on that portion of the message referred to them, and report that we concur in the main recommendations contained therein.

E. D. LEAVITT, *Chairman*.

Which report was adopted.

Mr. MERRIMAN, from Committee on Internal Improvements and Education, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred the appropriate sub-divisions of the Governor's message by the Council in Committee of the Whole, have had the same under consideration.

Your Committee have no suggestions to make upon that portion of the message referred to us, but merely report that we concur in the main recommendations therein by His Excellency.

N. MERRIMAN. *Chairman.*

Which report was adopted.

Mr. POTTER, from Committee on Mines and Minerals, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred the appropriate sub-division of the Governor's message relating to Mines and Minerals, beg leave to report that they have had the same under consideration, and have no recommendations to make, the recommendations in said sub-division having been already anticipated and acted upon by the Legislative Assembly.

A. S. POTTER, *Chairman.*

Report adopted.

Mr. MERRIMAN offered the following resolution:

*Resolved*, That the House of Representatives be requested to return to the Council forthwith Council Bill No. 8, entitled An Act to incorporate the Big Horn Ferry Company.

Which resolution was adopted.

Mr. THOMPSON, from the Committee on Federal Relations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred that portion of the Governor's Message "concerning the war and the prospects of peace," having by the Chairman reported against the continuance of the war, as one of the Committee I beg leave to state that I never saw the report before it was offered to the Council, and do not concur therein; and in expression of my views, beg leave to introduce the following Joint Resolutions:

*Be it resolved by the Council and House of Representatives of the Territory of Montana:*

1. That the thanks of the Legislative Assembly of the Territory of Montana be and the same are hereby tendered to Major General W. T. Sherman, and the officers and men under his command, for their recent brilliant achievements in the State of Georgia, culminating in the capture of the city of Savannah.

2. Also, to Major General George H. Thomas, and the officers



and men composing his army, for their recent brilliant victories in Tennessee.

3. The Secretary of the Council is requested to forward to each of these commanding officers, a copy of these resolutions, after their signature by the President of the Council, the Speaker of the House of Representatives, and the Governor.

F. M. THOMPSON.

The above resolutions were read first and second times, and referred to the Committee on Federal Relations.

Mr. LEAVITT, from the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 86, An Act to incorporate the Eureka Coal Mining and Manufacturing Company, have had the same under consideration, and beg leave to report it back without amendment.

Council Bill No. 86, An Act to incorporate the Eureka Coal Mining and Manufacturing Company;

On motion, the rules were suspended, and the bill read the third time, by its title, and passed, by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. THOMPSON, Council Bill No. 70, An Act to incorporate the Gallatin Valley Ditch Company, was taken from the table, and passed to its third reading.

On motion, the rules were suspended, and the bill read the third time, by its title, and passed, by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative—Mr. Potter.

Mr. MERRIMAN, from the Committee on Enrollment, reported that they have examined, and found correctly enrolled,

Council Bill No. 45, An Act to provide increased compensation to officers in this Territory;

Also Council Bill No. 65, An Act to incorporate the Excelsior Coal Mining and Manufacturing Company;



Also, Council Bill No. 71, An Act concerning the construction of statutes;

Also, Council Bill No. 19, An Act to incorporate the Beaver Head Mining Company;

Also, Council Bill No. 37, An Act concerning weights and measures.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
January 20, 1865. }

*To the Honorable President of the Council :*

SIR : — The amendments of the Council to House Bill No. 47, An Act in relation to executors and administrators, were concurred in, save the amendment to Section 21, leaving it discretionary with the parties interested, as to whether the jury will consist of six or twelve persons, instead of making it obligatory upon the parties to have a jury of six, which was the amendment of the Council.

It is respectfully asked by the House that the Council recede from the said amendment.

The House concurred in and passed, without amendment, the following Council Bills :

No. 54, An Act to incorporate the Madison Ditch Company ;

No. 79, An Act to incorporate the Missoula Town Company ;

No. 56, An Act to incorporate the Missouri Portage and Railroad Company ;

No. 67, An Act to incorporate the Silver Mountain Mining Company.

Council Bill No. 66, An Act authorizing Frank H. Woodey and C. E. Irvine to establish a ferry or bridge across Hell Gate River, was amended as follows :

Section 3, line 3, insert " March " instead of " April."

Council Bill No. 55, An Act to incorporate the Prickly Pear and Virginia City Wagon Road Company, was also amended as follows :

Section 3. The rates of toll were changed as follows : For each wagon drawn by two animals, three dollars ; for each additional pair, one dollar ; for each horseman, fifty cents ; all loose stock, twenty cents.

The above named Council Bills are herewith returned to the Council.

The House passed this day the following House Bills, which are with this message transmitted to you for the approval of the Council:

No. 75, An Act to incorporate the Idaho and Montana Wagon Road Company;

No. 79, An Act to incorporate the Gallatin Town Company;

No. 74, An Act to incorporate the Union Mill and Ditch Company;

No. 25, An Act to authorize A. Sullivan and H. D. Weed to construct and maintain a toll road in Beaver Head County;

No. 63, An Act to prevent officers from dealing in certain securities.

WM. L. BROWN, *Clerk.*

On motion of Mr. BAGG, the vote on Council Bill No. 85, An Act to secure certain privileges to Thomas D. Pitt was reconsidered, and bill read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Thompson and Worden.

In the negative — Messrs. Merriman, Potter, and Mr. President.

On motion of Mr. LAWRENCE, the number of the bill was changed from 85 to 84, and bill 84 was changed to 85.

The following report was received from Messrs. Potter and Bagg from Committee of Conference:

Mr. PRESIDENT: — The Committee of Conference appointed to confer with a like committee of the House, on House Bill No. 2, beg leave to report that they have agreed upon said bill as it is now before the Council, having been amended by said Committee only by a slight increase of the rates of toll.

A. S. POTTER,

CHAS. S. BAGG.

Report was adopted.

On motion of Mr. BAGG, the Council adjourned, until this afternoon at 2 o'clock.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Mr. Merriman.

Mr. THOMPSON introduced Council Bill No. 88. An Act to provide for the printing of the laws of the first session of the Legislative Assembly of the Territory of Montana;

Which was read the first and second times, and on motion of Mr. BAGG, referred to a Special Committee.

The President appointed Messrs. Bagg, Thompson and Worden as such Committee.

Mr. BAGG introduced Council Bill No. 89, An Act to incorporate the Montana Coal Mining and Earthen Ware Company.

On motion of Mr. THOMPSON, the bill was laid on the table.

The consideration of messages from the House being in order,

On motion of Mr. BAGG, the Council receded from their amendment to House Bill No. 47, as asked for by the House.

On motion of Mr. WORDEN, the Council concurred in House amendment to Council Bill No. 66.

On motion of Mr. MERRIMAN, the Council concurred in House amendments to Council Bill No. 55.

House Bills on first reading:

House Bill No. 25, An Act to authorize A. Sullivan and H. D. Weed to construct and maintain a toll road in Beaver Head County;

Was read the first and second times, and on motion of Mr. POTTER was referred to a Special Committee, consisting of Messrs. Thompson and Leavitt.

House Bill No. 63, An Act to prevent officers from dealing in certain securities ;

Was read the first and second times, and referred to Judiciary Committee.

House Bill No. 74, An Act to incorporate the Union Mill and Ditch Company ;

Was read first and second times, and referred to Committee on Incorporations.

House Bill No. 79, An Act to incorporate the Gallatin Town Company ;

Read the first and second times, and referred to Committee on Incorporations.

House Bill No. 75, An Act to incorporate and establish the Idaho and Montana Wagon Road Company ;

Was read the first and second times, and referred to Committee on Incorporations.

Messrs. BAGG and POTTER, from Special Committee, made the following report :

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 4, have had the same under consideration, and report the same back without amendment.

Which report was accepted.

On motion of Mr. BAGG, the rules were suspended, and House Bill No. 4, An Act to establish a water company, in Virginia City ;

Was read the third time, by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

The Committee on Agriculture and Manufactures made the following report :

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 69, An Act concerning marks and brands, have had the same under consideration, and would recommend the following amendments :

Strike out all of section 3 after the word "mark" in the 15th line and insert the following: "Or shall wilfully deface, destroy or alter such mark of any other person, he or she shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not exceeding five hundred dollars, and shall be imprisoned in the common jail not less than thirty days nor more than one year."

Add a section between sections 5 and 6, as follows:

All laws or parts of laws conflicting with this act are hereby repealed.

A. S. POTTER,  
F. M. THOMPSON,  
CHAS. S. BAGG.

The report and amendments were adopted.

Mr. BAGG offered the following amendment to section 3 of same bill: Where the word "ten" occurs insert the word "fifty."

On motion of Mr. LEAVITT, House Bill No. 53, An Act to dissolve the bonds of matrimony existing between Homer R. Payne and Adaline Payne;

Was taken from the table, read third time, and passed by the following vote:

In the affirmative — Messrs. Leavitt, Merriman, Thompson and Worden.

In the negative — Messrs. Bagg, Potter, and Mr. President.

By Mr. POTTER,

I hereby give notice, that on to-morrow or some subsequent day, I will introduce a memorial and joint resolution asking for a change of the boundary lines of Montana Territory.

Council Bills on third reading:

Council Bill No. 81, An Act to incorporate the Prickly Pear, Deer Lodge and Silver Bow Wagon Road Company;

On motion of Mr. BAGG, the rules were suspended, and the bill read third time, by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.



Council Bill No. 83, An Act to incorporate the Montana Bridge Company ;

Was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT: — Your Committee to whom was referred Council Bill No. 16, beg leave to report that they have had the same under consideration, and find said bill so imperfect that it is impossible for us so to amend it as to make it intelligible ; we would therefore recommend that the further consideration of said bill be postponed indefinitely.

The report was adopted, and on motion of Mr. POTTER, Council Bill No. 16 was indefinitely postponed.

On motion, the Council adjourned until Monday morning at 10 o'clock.

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MONDAY, JANUARY 23, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Thompson.

The journal of Saturday was read and approved.

Mr. LEAVITT, of Committee on Incorporations, made the following report :

Mr. PRESIDENT: — Your Committee have had under consideration referred House Bill No. 68, entitled An Act to incorporate the Rams Horn Toll Road Company, and beg leave to report it back with the following amendment, to wit :

Between Sections 6 and 7, insert this section :

SEC. 7. Said company shall enjoy the rights and privileges above granted for a time or period of five years from the passage of this act.

The report was accepted, and the amendment adopted.

Mr. LEAVITT, from the Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 79, An Act to incorporate the Gallatin Town Company, have examined the same, and beg leave to report it back for the consideration of the Council ;

Also, House Bill No. 75, An Act to incorporate and establish the Idaho and Montana Wagon Road Company, and report it back without amendment.

Mr. MERRIMAN, of Committee on Enrollment, reports that they have examined and found correctly enrolled,

Council Bill No. 55, An Act to incorporate the Prickly Pear and Virginia City Wagon Road Company ;

Also, Council Bill No. 66, An Act authorizing F. H. Woody and C. E. Irvine to establish a ferry or bridge across the Hell Gate River ;

Also, Council Bill No. 67, An Act to incorporate the Silver Mountain Mining Company ;

Also, Council Bill No. 79, An Act to incorporate the Missoula Town Company.

Mr. THOMPSON, of Special Committee, made the following report :

Mr. PRESIDENT:—Your Special Committee, to whom was referred House Bill No. 25, An Act to authorize A. Sullivan and H. D. Weed to construct a toll road in Beaver Head County, beg leave to report, that it be amended by striking out all after the word "from," in fourth line, Section 1, to the word "near," in twelfth line, same section. Also, strike out the word "thence," in the same line.

Insert in Section 2, second line, after the word "to," "erect

one toll gate near the mouth of the canon on said road, and no more, and at said gate to."

Strike out all of Section 4, and in place thereof, insert: "Nothing in this act shall prevent the county commissioners from fixing the rate of toll on said road after one year, on petition of fifty bona fide citizens of the county."

Strike out the word "each," in Section 5, first line, and insert "the," in place thereof.

On motion of Mr. THOMPSON, the bill and report were laid on the table for the present.

Mr. BAGG introduced Council Bill No. 90, An Act to incorporate the Montana Quicksilver Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

House Bill on third reading:

House Bill No. 69, An Act concerning marks and brands;

Was read the third time, and passed, by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. WORDEN, Council Bill No. 40, An Act creating certain officers in the Territory of Montana, declaring to whom resignations shall be made, when offices shall be deemed vacant, and the manner of filling vacancies;

Was taken from the table and referred to Judiciary Committee.

Mr. LEAVITT, of Special Committee, made the following report:

Mr. PRESIDENT: — As one of your Special Committee appointed from Beaver Head County, to whom was referred House Bill No. 25, I would report, that after due consideration of the subject, in my opinion, justice, propriety, and the interests of the citizens of Beaver Head County are opposed to the granting of any franchise upon the road proposed.

E. D. LEAVITT,

Mr. MERRIMAN introduced Council Bill No. 93, An Act to incorporate the Helena Ditch Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. THOMPSON, of the Judiciary Committee, made the following report :

Mr. PRESIDENT :— Your Committee beg leave to report that they have had under consideration House Bill No. 63, An Act to prevent officers from dealing in certain securities, and recommend that section 5 be amended by inserting " Or any agent or employe of said officer." Also, the same amendment in line twelve, after the word " officer." Also, in line fourteen the same amendment. Also, in line thirty-two of said section, and when so amended the bill pass.

The report was accepted, and the amendment adopted.

On motion of Mr. THOMPSON, House Bill No. 63, An Act to prevent officers from dealing in certain securities ;

Was taken up and read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. LEAVITT introduced Council Bill No. 94, An Act to incorporate the Marysville Town Company ;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. POTTER, of Special Committee, made the following report :

Mr. PRESIDENT :— Your Committee, to whom was referred the Civil Code, have had the same under consideration and beg leave to report the same back to the Council, and recommend that it pass with the following amendments :

After the word " stated," at the end of the 5th line, in section 91, add these words, " and no other, when the debt or contract upon which the attachment is sought was contracted in this or some other Territory of the United States, or upon debts or contracts made out of this Territory, and in some of the States in the United States, and payable in this Territory, or for machinery or other property to be brought to this Territory, or for freight upon the

same, or for fare or passage money of persons coming to this Territory."

Section 196. Insert after the words "wheelbarrow and pumps" the words "cabin, sluice-boxes and flumes."

Mr. Potter in the chair.

Report was accepted and amendment adopted.

Mr. THOMPSON, of the Judiciary Committee, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 40, have had the same under consideration, and report the same back without amendment, and recommend its passage.

On motion of Mr. BAGG, House Bill No. 18, An Act to regulate proceedings in civil cases:

Was read the third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. BAGG, the Council adjourned till 2 o'clock P. M.

#### AFTERNOON SESSION.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent, none.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
January 23, 1865. }

*To the Honorable President of the Council:*

SIR:—Council Bills Nos. 6 and 10 were rejected, and are herewith returned to the Council.

The House passed the following bills:

No. 48, An Act to organize the militia of Montana Territory;



House Bill No. 59, An Act to incorporate the Beaver Head Ditch Company;

House Bill No. 78, An Act to incorporate the East Gallatin Town Company;

House Bill No. 82, An Act to incorporate the Marias Ferry Company;

House Bill No. 84, An Act to incorporate the Ophir Town Company;

House Bill No. 85, An Act to incorporate the East Ophir Town Company;

House Bill No. 81, An Act to incorporate the Bears Teeth Wagon Road Company;

House Bill No. 83, An Act to incorporate the Missouri River Coal Mining Company;

House Bill No. 93, An Act to incorporate the Big Hole Bridge Company;

House Bill No. 91, An Act to incorporate the Peter Funk Mining Company;

House Bill No. 61, An Act to incorporate the North Mill Creek Ditch Company;

House Bill No. 89, An Act to incorporate the Virginia City and Camus Creek Wagon Road Company;

House Bill No. 88, An Act to incorporate the Yellow Stone Ferry Company;

House Bill No. 94, An Act to incorporate the Lone Star Company.

The above named House Bills are herewith transmitted to the Council for its approval.

WM. L. BROWN, *Clerk.*

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 74, An Act to incorporate the Union Mill and Ditch Company, have had the same under consideration, and beg leave to report, that they are unable to determine what is the precise nature and character of the franchise asked for by the proposed incorporation, and therefore recommend its indefinite postponement.

Report was adopted.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 70, An Act to incorporate the Fort Benton and Kootenay Wagon Road Company, have had the same under consideration, and beg leave to report it back with the following amendments, to wit:

Section 5, 5th line, strike out the word "eight" and insert the word "four." Same section, 7th line, strike out the word "five," and insert the word "three."

Which amendments were not adopted.

On motion of Mr. BAGG, House Bill No. 70, with the above report, was laid on the table.

By Mr. BAGG,

I hereby give notice that I will introduce a bill for the consideration of the Council, on to-morrow, or some subsequent day, incorporating the City of Nevada, Madison County, Montana Territory.

Mr. POTTER introduced Council Bill No. 95, An Act to incorporate the Eureka Gold and Silver Mining Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

Mr. POTTER offered the following resolution.

*Resolved*, That a Committee of three of this Council be appointed, and that the Council request that a like number be appointed by the House, to consider Council Bill No. 27, An Act concerning crimes and punishments.

The Committee consists of Messrs. Potter, Merriman and Bagg.

House Bill No. 75, An Act to incorporate and establish the Idaho and Montana Wagon Road Company;

On motion of Mr. POTTER, the bill was laid on the table.

Mr. MERRIMAN, of Committee on Enrollment, made the following report:

Mr. PRESIDENT:—Your Committee have examined and found correctly enrolled, Council Bill No. 56, An Act to incorporate the Missouri Portage and Railroad Company.

House Bill No. 79, An Act to incorporate the Gallatin Town Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 40, An Act creating certain offices, &c.;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, and Worden.

In the negative — Mr. President.

On motion of Mr. THOMPSON, House Bill No. 75, was taken from the table, and

On motion of Mr. BAGG, said bill was indefinitely postponed.

On motion of Mr. BAGG, the Council adjourned until tomorrow morning at 10 o'clock.

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TUESDAY, JANUARY 24, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Merriman and Thompson.

The journal of yesterday was read, corrected and approved.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:— Your Committee, to whom was referred Council Bill No. 92, An Act to incorporate the Alki Town Company, have considered the same, and beg leave to report it back without amendment.

Which report was adopted.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee on Incorporations, to whom was referred Council Bill No. 91, An Act to incorporate the Stock Exchange and Board of Trade of Virginia City, have had the same under consideration, and beg leave to report the same back without amendment.

Mr. BAGG, of Committee on Federal Relations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred Joint Resolutions, tendering the thanks of the Legislative Assembly to Generals Sherman and Thomas, have had the same under consideration, and they deem it just to report that it would be wrong to make invidious distinctions between the generals named and those other generals and soldiers who have immortalized themselves and performed prodigies of valor.

Your Committee would be glad to have data at hand with a full knowledge of all who have distinguished themselves under the old flag, but in the absence of such knowledge, which it is impossible for us to obtain here, we would recommend that the said Joint Resolution be indefinitely postponed.

All of which is respectfully submitted,

CHARLES S. BAGG,  
E. D. LEAVITT.

Mr. MERRIMAN, of Committee on Enrollment, reports that they have examined and found correctly enrolled,

Council Bill No. 54, An Act to incorporate the Madison Ditch Company.

On motion of Mr. BAGG, that the report of the Committee on Federal Relations be adopted;

The ayes and noes being demanded,

Those voting in the affirmative were Messrs. Bagg, Leavitt, Potter, Worden, and Mr. President.

In the negative — Messrs. Merriman and Thompson.

So the motion was adopted.

Mr. MERRIMAN introduced Council Bill No. 96, An Act to provide for the issuing and serving certain legal processes on Sunday :

Which was read the first and second times, and on motion of Mr. POTTER, the rules were suspended, the bill was read the third time, by its title, and passed, by the following vote :

In the affirmative — Messrs. Bagg, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

Mr. POTTER introduced Council Bill No. 97, An Act defining the time for acts and joint resolutions to take effect ;

Which was read the first and second times, and ordered to be engrossed for third reading.

House Bills on first reading :

House Bill No. 48, An Act to organize the militia of Montana Territory ;

Was read the first and second times, and referred to the Committee on Military Affairs.

House Bill No. 59, An Act to incorporate the Beaver Head Ditch Company ;

Was read the first and second times, and referred to the Committee on Incorporations.

House Bill No. 78, An Act to incorporate the East Gallatin Town Company ;

On motion of Mr. BAGG, the rules were suspended, and the bill read the first and second time by its title, and referred to Committee on Incorporations.

Mr. BAGG introduced Council Bill No. 98, An Act relating to the printing of the laws and journals of the Council and House of the first Legislative Assembly of the Territory of Montana ;

Which was read the first and second times, and ordered to be engrossed for third reading.

House Bill No. 61, An Act to incorporate the North Mill Creek Ditch Company ;

Was read the first and second times, and referred to the Committee on Incorporations.



House Bill No. 81, An Act to incorporate the Bears Teeth Wagon Road Company;

Was read the first and second times and referred to Committee on Incorporations.

House Bill No. 82, An Act to incorporate the Marias Ferry Company;

Was read the first and second times, and referred to Committee on Incorporations.

House Bill No. 83, An Act to incorporate the Missouri River Coal Mining Company;

Was read the first and second times, and referred to Committee on Incorporations.

House Bill No. 84, An Act to incorporate the Ophir Town Company;

Was read the first and second times, and referred to Committee on Incorporations.

House Bill No. 85, An Act to incorporate the East Ophir Town Company;

Was read the first and second times, and referred to Committee on Incorporations.

House Bill No. 88, An Act to incorporate the Gallatin Ferry Company;

Was read the first and second times, and referred to Committee on Incorporations.

House Bill No. 89, An Act to incorporate the Virginia City and Camas Creek Wagon Road Company;

Was read the first and second times, and referred to Committee on Incorporations.

House Bill No. 91, An Act to incorporate the Feter Funk Mining Company;

On motion of Mr. BAGG, the rules were suspended, and bill read the first and second times by its title, and referred to Committee on Incorporations.

House Bill No. 93, An Act to incorporate the Big Hole River Bridge Company;

On motion of Mr. THOMPSON, the rules were suspended, and bill read the first and second times by its title, and referred to Committee on Incorporations.

House Bill No. 94, An Act to incorporate the Lone Star Company;

On motion of Mr. MERRIMAN, the rules were suspended, and bill read the first and second times by its title, and referred to Committee on Incorporations.

On motion of Mr. POTTER, the Council adjourned until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Mr. Leavitt.

The consideration of Council Bill No. 74, An Act to increase the number of members in the Council and House of Representatives, and to apportion the Territory of Montana into Council and Representative Districts, being made the special order of this afternoon, was taken up.

Motion of Mr. POTTER, that "twelve" be stricken out and "fourteen" be inserted in section 6.

Was not adopted.

On motion of Mr. LEAVITT, that Council Bill No. 74 be laid on the table,

The ayes and noes being demanded:

Those voting in the affirmative were — Messrs. Bagg, Leavitt, Potter, and Mr. President.

In the negative — Messrs. Merriman, Thompson and Worden.

So the bill was laid on the table.

House Bill No 74, An Act to incorporate the Union Mill and Ditch Company;

The report from the Committee on Incorporations, recommending that the bill be indefinitely postponed, was adopted.

House Bill No. 68, An Act to incorporate the Rams Horn Toll Road Company;

Was read the third time, and passed, by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson and Worden.

In the negative — Mr. President.

House Bill No. 91, An Act to incorporate the Stock Exchange and Board of Trade of Virginia City;

On motion of Mr. POTTER, the rules were suspended, the bill read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 92, An Act to incorporate the Alki Town Company;

On motion of Mr. MERRIMAN, the rules were suspended, and the bill read the third time, by its title, and passed, by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson and Worden.

In the negative, none.

The following message was received from the Governor:

EXECUTIVE OFFICE, }  
January 24, 1865. }

*To the Hon President of the Council:*

SIR: — I have this day approved the following Council Bills:

No. 19, An Act to incorporate the Beaver Head Mining Company;

No. 25, An Act to incorporate the North Side Ditch Company;

No. 37, An Act concerning weights and measures;

No. 45, An Act to provide increased compensation to officers in this Territory;

No. 55, An Act to incorporate the Prickly Pear and Virginia City Wagon Road Company;

No. 65, An Act to incorporate the Excelsior Coal Mining and Manufacturing Company;

No. 66, An Act authorizing Frank H. Woody and C. E. Irvine to establish a ferry or bridge across the Hell Gate River;

No. 67, An Act to incorporate the Silver Mountain Mining Company;

No. 71, An Act concerning the construction of statutes;

No. 79, An Act to incorporate the Missouli Town Company.

Respectfully, Yours,

SIDNEY EDGERTON, *Governor*.

Council Bill No. 94, An Act to incorporate the Marysville Town Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Worden and Mr. President.

In the negative — Mr. Thompson.

On motion of Mr. POTTER, Council Bill No. 31, An Act relating to counties and county officers, was taken from the table.

On motion of Mr. WORDEN, all of the proviso in section 10, and the whole of section 11, was stricken out.

On motion of Mr. BAGG, Council Bill No. 31 was referred to a Special Committee.

The President appointed as such Committee Messrs. Bagg, Potter and Worden.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
January 24, 1865. }

*To the Hon. President of the Council:*

SIR: — The House passed, this day, the following Council Bills, without amendment:

No. 72, An Act authorizing the appointment of commissioners of deeds;

No. 84, An Act to secure certain privileges to Thomas D. Pitt;

No. 49, An Act to incorporate the Yellow Stone, Anthracite and Bituminous Coal Company;

No 87, An Act to incorporate the Willow Creek Town Company, was amended by the House by the insertion of N. P. Langford's name as one of the incorporators.

No. 2, An Act to locate the seat of government of Montana Territory, was amended by striking out "Virginia" wherever found, and inserting "Nevada" in lieu thereof, also by striking out all of sections 2, 3 and 4.

The above bills are herewith returned to the Council.

The House approved of the amendments of the Council to House Bills Nos. 18 and 51.

WM. L. BROWN, *Clerk.*

Council Bill No. 25, An Act to authorize A. Sullivan and H. D. Weed to construct and maintain a toll road in Beaver Head County;

On motion of Mr. WORDEN, that the amendments of Mr. Thompson, offered in his report of yesterday, be adopted, the ayes and noes being demanded;

Those voting in the affirmative were — Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative — Mr. Potter.

So the amendments were adopted.

By Mr. LEAVITT,

I hereby give notice that on to-morrow I will move a reconsideration of the votes taken on the amendment.

On motion of Mr. THOMPSON, that the bill be ordered to be engrossed for third reading;

The ayes and noes being demanded,

Those voting in the affirmative were Messrs. Merriman, Thompson, Worden, and Mr. President.

In the negative — Messrs. Bagg, Leavitt, and Potter.

So the bill was ordered to be engrossed.

On motion of Mr. POTTER, the following bills that were lying on the table were taken up for the consideration of the Council:

Council Bill No. 62, An Act to provide for the compensation of B. B. Burchett for services rendered the Territory;



On motion of Mr. BAGG, the foregoing bill was referred to the Judiciary Committee.

Council Bill No. 89, An Act to incorporate the Montana Coal Mining and Earthen Ware Company;

Was, on motion of Mr. LEAVITT, referred to the Committee on Incorporations.

House Bill No. 70, An Act to incorporate the Fort Benton and Kootenay Wagon Road Company;

Was read the third time, and passed, by the following vote:

In the affirmative—Messrs. Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative—Messrs. Bagg and Potter.

By Mr. LEAVITT,

I hereby give notice that on to-morrow I will move a reconsideration of the vote on House Bill No. 70.

Council Bill No. 64, An Act to enable road, ditch, manufacturing and other companies to become bodies corporate;

On motion of Mr. BAGG, the consideration of Council Bill No. 64 was made the special order for tomorrow at 2 o'clock P. M. Said bill to be considered in a Committee of the Whole.

The Council then went into executive session for the consideration of the Governor's appointment of officers for Deer Lodge County. After due consideration of the same,

On motion of Mr. BAGG, the Council adjourned until to-morrow morning at 10 o'clock.

## WEDNESDAY, JANUARY 25, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Leavitt and Thompson.

The journal of yesterday was read and approved.

Mr. LEAVITT presented a petition signed by two hundred and seventy of the citizens of Bannack, remonstrating against the passage of House Bill No. 25, An Act to authorize A. Sullivan and H. D. Weed to construct and maintain a toll road in Beaver Head County;

On motion of Mr. BAGG, that House Bill No. 25 be indefinitely postponed;

The ayes and noes being demanded, resulted in the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, and Worden.

In the negative — Mr. President.

So the bill was indefinitely postponed.

By Mr. THOMPSON,

I hereby give notice that on to-morrow I will move a reconsideration of the above vote.

The following message was received from the Governor:

EXECUTIVE OFFICE, BANNACK CITY, {  
January 24, 1865. }

*To the Hon. President of the Council:*

SIR: — I have this day approved Council Bill No. 54, An Act to incorporate the Madison Ditch Company;

Also, Council Bill No. 56, An Act to incorporate the Missouri Portage and Railroad Company.

Respectfully yours,

SIDNEY EDGERTON, *Governor*.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 93, An Act to incorporate the Big Hole River Bridge Company, have examined the same, and beg leave to report it back without amendment.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—The Committee to whom was referred Council Bill No. 95, having for its object the incorporation of the Eureka Gold and Silver Mining Company, would state that they have examined the bill, and report the same back, and recommend its passage.

Mr. WORDEN, of Committee on Engrossment and Enrollment, reports that they have examined, and found correctly engrossed, Council Bill No. 97, An Act defining the time for acts and joint resolutions to take effect;

Also, Council Bill No. 98, An Act relating to the printing of the laws, &c.

Mr. POTTER, from the Committee of Conference, made the following report:

Mr. PRESIDENT:—Your Committee of Conference to whom was referred Council Bill No. 27, An Act concerning crimes and punishments, ask leave to report that they have had the same under consideration, and have agreed to the following amendments:

Section 43. Wherever the words "shall suffer death" occurs as a penalty, the words "shall be imprisoned for life" shall be substituted therefor.

Section 55, line 2, after the word "being" insert the words "of which he shall have knowledge."

Section 127. Strike out of House amendments to this section all after the word "year" in the 7th line.

The House amendments to sections 58, 60, 61 and 64, also Council amendments to House amendments to sections 160, 161 and 162 were agreed to by the Committee.

A. S. POTTER,  
N. MERRIMAN.  
CHAS. S. BAGG.

The report was accepted, and on motion of Mr. BAGG, the amendments were adopted.

Council Bill No. 97, An Act defining the time for acts and joint resolutions to take effect;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Merriman, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 98, An Act relating to the printing of the laws and journals of the Council and House of the first Legislative Assembly of the Territory of Montana;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

The consideration of House amendments to Council Bill No. 2, An Act to locate the seat of government of Montana Territory, being before the Council,

On motion of Mr. BAGG, the same were not concurred in.

On motion of Mr. BAGG, a Committee from the Council of three was appointed to confer with a like Committee from the House on the said bill.

The President appointed Messrs Bagg, Potter and Thompson as such Committee.

Mr. MERRIMAN offered the following resolution:

*Resolved*, That the privileges within the bar of the Council be, and they are hereby extended to the ladies of Bannack and vicinity,

and that they be invited to favor the Council with their presence whenever it may meet their pleasure.

Which was adopted.

On motion of Mr. LEAVITT, the Council adjourned, until this afternoon at 2 o'clock.

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### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

All the members present.

The consideration of Council Bill No. 64, An Act to enable road, ditch, manufacturing and other companies to become bodies corporate; being the special order of this afternoon,

On motion of Mr. MERRIMAN, the Council resolved itself into a Committee of the Whole for the consideration of said bill.

Mr. Merriman in the chair.

After some time spent therein, the Committee rose, and through their Chairman made the following report:

Mr. PRESIDENT:—Your Chairman of the Committee of the Whole begs leave to report that they have had under consideration Council Bill No. 64, An Act to enable road, ditch, manufacturing and other companies to become bodies corporate; and recommend its passage without amendment.

N. MERRIMAN, *Chairman.*

The above report was adopted.

Mr. LEAVITT offered the following resolution:

WHEREAS, Our country is now distracted by a gigantic civil war, unprecedented in the annals of civilized nations, and in proportion to the magnitude of the present conflict, the American Republic has risen to the dignity and importance of the crisis with



an energy and devotion of national sentiment, and an employment of blood and treasure unapproached in history ; and

WHEREAS, it is the special duty and pride of every citizen of our common country to express his devotion to an unbroken nationality ; therefore,

*Resolved*, That we hereby renew our pledges, ever entertained, of loyalty to the Union, and will ever frown indignantly upon any attempt to alienate one portion of our common country from another. And as in this struggle, our present appeal to arms may decide the fate of our nationality, and the question of self-government in its present form, we will ever pray for the success of the Union, and the restoration of the constitutional government, in the gauntlet of battle thrown down by rebels in arms.

*Resolved*, That loyalty is the highest duty that every citizen owes to his country, and that the interests of humanity, the principles of republican government, and the prosperity of our common country, demand of us an unqualified expression for the maintenance of the Union, at all hazards, and our highest efforts for its preservation, whether by the arts of peace or war.

*Resolved*, That we recognize the armies of the republic as the conspicuous defenders of our country, and that we hereby tender to them our thanks for their splendid services in the field without distinction, and hold them in grateful remembrance.

*Resolved*, That while the heart of the nation beats heavily over the undistinguished graves of the gallant dead who have fallen in the cause of a nation's unity, we do by an unfaltering spirit cheer our brave soldiers in the field on to the contest that still awaits them, with the prayer upon our lips, that justice, freedom, and nationality may triumph in the end.

E. D. LEAVITT.

On motion of Mr. THOMPSON, the foregoing was considered as a joint resolution.

On motion of Mr. WORDEN, that the resolutions be adopted, the ayes and noes were demanded, with the following result :

In the affirmative — Messrs. Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative — Mr. Bagg.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, {  
January 25, 1865. }

*To the Honorable President of the Council :*

SIR : — In obedience to a request of the Council, the House appointed Messrs. Mayhew, Stuart and Ryan a Committee to confer with the Committee of the Council on Council Bill No. 2.

The House passed, this day, the following bills :

House Bill No. 86, An Act to incorporate the town of North Ophir ;

House Bill No. 92, An Act concerning jails and jailers ;

House Bill No. 77, An Act to incorporate the Montana Manufacturing Company ;

House Bill No. 37, An Act authorizing Ross Beaumont and Robert Hill to establish and maintain a toll road from Bannack City to Beaver Head Valley ;

House Bill No. 100, An Act to invest religious societies with certain powers of bodies corporate ;

House Bill No. 101, An Act to create a fund for the benefit of schools ;

Council Bill No. 49, An Act to authorize John S. Lott and M. H. Lott to use the water of Wisconsin Gulch ;

Council Bill No. 38 was passed, with amendments, which amendments are herewith transmitted ;

Council Bill No. 69 was approved, and passed without amendment.

The House concurred in amendments of the Council to House Bill No. 69, An Act concerning marks and brands.

The House also approved of the amendments of the Conference Committee to Council Bill No. 27, An Act concerning crimes and punishments.

WM. L. BROWN, *Clerk.*

House Bill on third reading :

House Bill No. 93, An Act to incorporate the Big Hole Bridge Company ;

Was read the third time, and passed by the following vote :

In the affirmative — Messrs. Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative — Mr. Bagg.

Council Bill No. 95, An Act to incorporate the Eureka Gold and Silver Mining Company ;

Was read the third time, and passed by the following vote :

In the affirmative—Messrs. Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative — Mr. Bagg.

On motion of Mr. POTTER, Council Bill No. 64, An Act to enable road, ditch, manufacturing and other companies, to become bodies corporate, was taken up, and

On motion of Mr. THOMPSON, the bill was read the third time, by its title, and passed by the following vote :

In the affirmative—Messrs. Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative — Mr. Bagg.

Mr. WORDEN, from Committee on Engrossment and Enrollment, reported they they have examined and found correctly engrossed Council Bill No. 94, An Act to incorporate the Marysville Town Company.

On motion of Mr. THOMPSON, the Council adjourned until to-morrow morning at 10 o'clock.

THURSDAY, JANUARY 26, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Merriman and Thompson.

Journal read, corrected, and approved.

Mr. LEAVITT, from the Committee on Incorporations, made the following report:

Mr. PRESIDENT:— Your Committee, to whom was referred House Bill No. 84, An Act to incorporate the Ophir Town Company, have considered the same, and report it back without amendment.

Mr. LEAVITT, from the Committee on Incorporations, made the following report:

Mr. PRESIDENT:— Your Committee, to whom was referred House Bill No. 91, An Act to incorporate the Peter Funk Mining Company, have had the same under consideration, and beg leave to report the same back without amendment.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:— Your Committee to whom was referred Council Bill No. 93, An Act to incorporate the Helena Ditch Company, have considered the same, and beg leave to report it back with the following amendments, to wit:

Section 6, line 4. Strike out the words "one dollar," and insert "fifty cents" in place thereof; and in line five, strike out the word "fifty" and substitute in lieu thereof "twenty-five;" also in line seven, strike out the word "twenty" and insert "fifteen" in place thereof.

Section 10, line 7, between the words "any" and "chartered" insert the words "person or persons."

The report was accepted, and the amendments adopted.

Mr. LEAVITT, from the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 82, An Act to incorporate the Marias Ferry Company, have examined the same and report it back without amendment.

Mr. MERRIMAN, of Committee on Enrollment, reports that they have examined, and found correctly enrolled, Council Bill No. 87, An Act to incorporate the Willow Creek Town Company.

House Bill No. 37, An Act authorizing Ross Beaumont and Robert Hill to establish and maintain a toll road from Bannack City to Beaver Head Valley;

On motion of Mr. POTTER, the bill was rejected.

House Bill No. 77, An Act to incorporate the Montana Iron Manufacturing Company;

Was read the first and second times, and referred to Committee on Incorporations.

House Bill No. 86, An Act to incorporate the town of North Ophir:

Was read the first and second times, and referred to the Committee on Incorporations.

House Bill No. 92, An Act concerning jails and jailers;

Was read the first and second times, and on motion of Mr. POTTER was referred to Committee on Judiciary.

House Bill No. 100, An Act to invest religious societies with certain powers of bodies corporate;

Was read the first time, and being objected to by Mr. POTTER, was rejected.

House Bill No. 101, An Act to create a fund for the benefit of schools;

Was read the first time, and being objected to by Mr. POTTER, was rejected.



Council Bill No. 38, An Act establishing a common school system for the Territory of Montana;

The following are the House amendments to said bills:

Chapter 1, section 2, line 5th. Strike out "one mill," and insert "three mills."

Chapter 3, section 6, line 5th. Strike out all after "teachers" in first line and insert the following: *Provided*, That no teacher shall be employed who shall not first have obtained a certificate from the county superintendent in the branches of instruction to be taught in their respective districts.

Chapter 3. Strike out all of section 13, and insert the following: That whenever the interests of the district require it, the directors may establish a Union School, employ a principal teacher and subordinate teachers, and grade the school into departments and classes.

Chapter 4, section 14. After the word "charge" in the third line, insert "and persons over the age of twenty-one years, at such rates of tuition per month," and after the word "proper" in the last line add "and in all cases under this act a month of tuition shall consist of four weeks of five days to a week."

The Council refusing to concur in the House amendments to section 2d, in chapter 1:

Motion of Mr. POTTER, that the House be requested to recede from said amendments,

Was adopted.

Mr. MERRIMAN, of Committee on Enrollment, reports that they have examined, and found correctly enrolled, Council Bill No. 72, An Act to authorize the appointment of commissioners of deeds.

Also, Council Bill No. 84, An Act to secure certain privileges to Thomas D. Pitt.

On motion of Mr. POTTER, the Council adjourned until 2 o'clock this afternoon.

## AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

All the members present.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee have had under consideration House Bill No. 77, An Act to incorporate the Montana Iron Manufacturing Company, and beg leave to report it back without amendment.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 88, An Act to incorporate the Gallatin Ferry Company, have examined the same, and ask leave to report it back with the following amendments, to wit:

Section 3, line seven, strike out the word "ten," and insert in lieu thereof the word "five."

Section 4, line four, strike out the word "five," and substitute the word "three," and in line five strike out the words "one dollar," and substitute in place thereof "fifty cents."

The report was accepted, and the amendments adopted.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 94, An Act to incorporate the Lone Star Company, have had the same under consideration, and ask leave to report it back without amendment.

House Bill No. 78, An Act to incorporate the East Gallatin Town Company;

And recommend the following amendment, to wit:

After Section 4, annex this section: "All such pre-emptions,

locations and laying out of such districts or lands, shall be in conformity with the laws of the United States and the laws of this Territory."

The report was accepted and the amendments adopted.

House Bill No. 82, An Act to incorporate the Marias Ferry Company;

Was read the third time, and passed, by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Worden, and Mr. President.

In the negative — Messrs. Potter and Thompson.

House Bill No. 84, An Act to incorporate the Ophir Town Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 91, An Act to incorporate the Peter Funk Mining Company;

Was read the third time, and on motion of Mr. POTTER, was recommitted to Committee on Incorporations.

Mr. THOMPSON, of Judiciary Committee, made the following report:

Mr. PRESIDENT: — Your Committee have had under consideration House Bill No. 92, An Act concerning jails and jailers;

And recommend that Section 4 be amended by striking out the words "one or more jailers," and insert in lieu thereof "a jailer," and that the word "three," in line seven, Section 9, be stricken out, and the word "five" be inserted in place thereof.

The report was accepted and amendments adopted.

On motion of Mr. THOMPSON, the rules were suspended, and House Bill No. 92 was read the third time, by its title, and passed, by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. BAGG, of Special Committee, made the following report:

Mr. PRESIDENT: — Your Special Committee to whom was re-

ferred House Bill No. 7, entitled An Act to incorporate the Nevada and Red Rock Toll and Wagon Road Company, have had the same under consideration, and would report the same back with the following amendments :

Strike out in section 1, lines 1 and 2, the names Alexander Brookie and N. J. Davis, and insert in place thereof Nelson M. Parsons.

In section 4, 3d line from last in said section, after the word "said," insert the word "President."

After the words "no more," in fourth line of section 8, insert the words "Neither toll gates mentioned shall be erected on the said road between a point one mile from the mouth of the canon on Alder Creek towards the Stinking Water Canon and the said city of Nevada. In line six from the top in said section 8, strike out the words "twenty-five" before cents and insert the word "fifty." In line seven, after the words "riding horse" insert "packing horse;" and in the same line, after the words "sum of" strike out the word "two" before cents, and insert in place thereof the words "twenty-five."

In section 10, in line 6th from last line in said section, after the words "proceedings," insert "and damages."

In section 6, in 3d line, strike out the word "ten" and insert instead the word "twelve."

In section 11, after the word "costs," insert the words "but no toll shall be collected while the road is out of repair."

And your Committee do recommend the passage of the bill with the amendments.

CHAS. S. BAGG, *Chairman.*

Report was accepted and amendments adopted.

On motion of Mr. BAGG, the rules were suspended, and House Bill No. 7 was read the third time, by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, {  
January 26, 1865. }

*To the Hon. President of the Council:*

SIR:— The House passed this day the following bills:

House Bill No. 104, An Act in relation to trout fishing;

Council Bill No. 96, An Act to provide for the issuing and serving certain processes on Sundays;

Council Bill No. 92, An Act to incorporate the Alki Town Company;

Council Bill No. 98, An Act relating to the printing of the laws and journals of the Council and House of the first Legislative Assembly of the Territory of Montana;

House Bill No. 95, An Act to incorporate the Eureka Gold and Silver Mining Company;

House Bill No. 102, An Act authorizing certain persons to solemnize marriages;

Council Bill No. 77, An Act to incorporate the Deer Lodge Valley Mining Company;

Council Bill No. 15, An Act to incorporate the Historical Society of Montana; was passed, with amendments which are herewith transmitted.

All the above named bills are with this message delivered to the Council, for the consideration of the same.

WM. L. BROWN, *Clerk.*

On motion of Mr. THOMPSON, the House Bills accompanying the above message were placed on first reading.

House Bill No. 104, An Act in relation to trout fishing;

Was read the first and second times, and on motion of Mr. MERRIMAN, was referred to Committee on Ways and Means.

House Bill No. 102, An Act authorizing certain persons to solemnize marriages;

Was read the first and second times, and referred to Committee on Judiciary.

On motion of Mr. THOMPSON, the Council concurred in House amendments to Council Bill No. 15.

On motion, the Council adjourned until to-morrow morning at 10 o'clock.



FRIDAY, January 27, 1865.

Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Thompson.

Journal of yesterday read and approved.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:— Your Committee, to whom was referred House Bill No. 83, An Act to incorporate the Missouri River Coal Mining Company, have considered the same, and beg leave to report it back with the following amendment:

To section 2 annex this clause, "And all such land and veins and beds of coal are taken in accordance with the laws of the United States and the laws of this Territory."

Report was accepted and amendment adopted.

Mr. BAGG, from Committee on Ways and Means, reported as follows:

Mr. PRESIDENT:— Your Committee to whom was referred House Bill No. 104, An Act concerning trout fishing, have had the same under consideration, and would report the same back with the following amendments:

Section 3, in the 5th line, after the word "poison," strike out the word "for" and insert the word "intending."

Section 4, in 4th line, strike out the words "twenty-five," before the word "dollars," and insert the word "fifty." Also in same section, in the 7th line, strike out the words "people of the United States."

F. M. THOMPSON.

CHAS. S. BAGG.

Report was accepted and amendments adopted.

On motion of Mr. BAGG, the rules were suspended, and House Bill 104 was read the third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. POTTER, from Committee of Conference, made the following majority report :

We, the Committee of Conference appointed by the Council and House of Representatives to confer upon the location of the capital of Montana Territory, have agreed upon Virginia City as such point for said capital to be located.

Signed,

JAS. STUART,  
P. RYAN,  
A. E. MAYHEW,  
A. S. POTTER,  
CHAS. S. BAGG,

Report was adopted.

Mr. THOMPSON, of the Judiciary Committee, made the following report :

Mr. PRESIDENT: — Your Committee have had under consideration House Bill No. 102, An Act to authorize certain persons to solemnize marriages, and recommend that section 1 be amended by striking out the words "district judges, judges of probate, and justices of the peace," and insert in lieu thereof the words "and any civil officers qualified to administer oaths."

Also, amend section 2 by striking out "justices of the peace, probate judges, and ministers of the gospel," and insert the officers and persons in the first, second and third lines ; and also strike out the twelfth and thirteenth lines, and the words "as the case may be," and strike out the words "justices of the peace, probate judge or district judge or minister," and insert "officer or person solemnizing such marriage."

On motion of Mr. BAGG, the bill and report was laid on the table for the present.

Mr. MERRIMAN introduced Council Bill No. 99, An Act to legalize the records of Jefferson County ;

Which was read the first and second times, and referred to Judiciary Committee.

House Bills on third reading:

House Bill No. 78, An Act to incorporate the East Gallatin Town Company;

Was read the third time, and passed, by the following vote:

In the affirmative — Messrs. Bagg, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

House Bill No. 77, An Act to incorporate the Montana Iron Manufacturing Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 88, An Act to incorporate the Gallatin Town Company;

Was read the third time, and did not pass, by the following vote:

In the affirmative — Messrs. Bagg, Merriman, and Mr. President.

In the negative — Messrs. Potter, Thompson and Worden.

House Bill No. 94, An Act to incorporate the Lone Star Company;

Was read the third time, and passed, by the following vote:

In the affirmative — Messrs. Merriman, Potter, Thompson and Worden.

In the negative — Messrs. Bagg and Mr. President.

Mr. THOMPSON, from Committee of Conference, made the following minority report:

Mr. PRESIDENT: — As a member of your Committee of Conference upon the bill to locate the capital, I beg leave to submit a minority report:

In the opinion of the minority of your Committee, the beautiful valley of the Jefferson, at a point near the thriving town of Missoula, is the most appropriate place for the location of the capital of our rapidly growing Territory. It is central to all of the min-

ing camps now being worked in the Territory, at the crossing of two important roads, in the midst of an agricultural section unparalleled for fertility of soil and irrigating facilities. And the point named is in the opinion of the minority of your Committee at some future day bound not only to be the political but the commercial capital of this Territory.

All of which is most respectfully submitted,

F. M. THOMPSON,

*Minority of Committee of Conference.*

Report was adopted.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 81, An Act to incorporate the Bears Teeth Wagon Road Company, beg leave to report that they have had the same under consideration, and would recommend its passage with the following amendments:

Add to section 3 the following: “*Provided*, That the county commissioners of the county or counties through which or in which said road is located, may at any time after the expiration of two years from the completion of said road fix the rates of toll on said road.

Report was accepted, and amendment adopted.

House Bill No. 81, An Act to incorporate the Bears Teeth Wagon Road Company;

On motion of Mr. MERRIMAN, the rules were suspended, the bill read third time by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. WORDEN, of Committee on Engrossment and Enrollment, made the following report:

Mr. PRESIDENT:—Your Committee have examined and found correctly engrossed Council Bill No. 93, An Act to incorporate the Helena Ditch Company.

Motion of Mr. POTTER that the vote on House Bill No. 94 be reconsidered,

Was adopted.

On motion of Mr. BAGG, House Bill No. 94 was recommitted to Committee on Incorporations.

On motion of Mr. THOMPSON, the Council adjourned until 2 o'clock this afternoon.

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### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Mr. Thompson.

Mr. LEAVITT, of Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 91, An Act to incorporate the Peter Funk Mining Company, have had the same under examination, and beg leave to report it back with the following amendment, to wit:

After section 5 add the following section :

No part of this act shall be so construed as to interfere with the prior rights of any person or persons, or to conflict with the laws of this Territory.

Report was accepted and amendment adopted.

Mr. BAGG, from Judiciary Committee, made the following minority report :

Mr. PRESIDENT:—The undersigned of the Judiciary Committee, having had under consideration House Bill No. 102, begs leave to report a substitute as minority report on the subject.

CHAS. S. BAGG.

The ayes and noes being demanded in the question of the adoption of the above report, with the substitute, resulted in the following vote :



In the affirmative — Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative — Mr. Potter.

On motion of Mr. LEAVITT, the rules were suspended, and House Bill No. 91, An Act to incorporate the Peter Funk Mining Company, was read third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 102, An Act authorizing certain persons to solemnize marriages ;

On motion, the rules were suspended, bill read third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Thompson and Mr. President.

In the negative — Messrs. Potter, Merriman and Worden.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT : — Your Committee, to whom was recommitted House Bill No. 94, An Act to incorporate the Lone Star Company, beg leave to report that they have had the said bill under consideration, and would recommend that further action on said bill be indefinitely postponed.

Report was adopted.

House Bill No. 94, An Act to incorporate the Lone Star Company ;

On motion of Mr. POTTER, the bill was indefinitely postponed.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
January 27, 1865. }

*To the Hon. President of Council :*

SIR : — The House this day passed the following bill :

Council Bill No. 8, An Act to incorporate the Prickly Pear, Deer Lodge and Silver Bow Wagon Road Company ;

Council Bill No. 85, An Act to incorporate the Ashland Gold and Silver Mining Company ;

House Bill No. 97, An Act to incorporate the Ophir Ferry Company;

Council Bill No. 73, An Act defining the boundary lines of Montana Territory, was passed with amendments, which are herewith transmitted;

Council Bill No. 86, An Act to incorporate the Eureka Coal Mining and Manufacturing Company, passed with amendments, which are herewith transmitted;

Council Bill No. 61, An Act providing for the collection of the revenue, passed with amendments, which are prefixed to the bill;

Council Resolution No. 7, passed the House unanimously. The House receded from the amendment, as asked by the Council.

Council Bill No. 38, An Act establishing a common school system for the Territory of Montana;

The amendments of the Council to House Bill No. 7, An Act to incorporate the Nevada City and Red Rock Wagon Road Company, were concurred in by the House.

WM. L. BROWN, *Clerk.*

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 61, An Act to incorporate the North Mill Creek Ditch Company, have had the same under consideration, and beg leave to report it back, with the recommendation that said bill be considered in Committee of the Whole.

On motion of Mr. BAGG, the Council resolved itself into a Committee of the Whole for the consideration of House Bill No. 61, An Act to incorporate the North Mill Creek Ditch Company.

Mr. Bagg in the chair.

After some time spent thereon, the Committee rose, and through their chairman made the following report:

Mr. PRESIDENT:—The Committee of the Whole, having had House Bill No. 61 under consideration, said Committee have instructed me to report that the bill do not pass.

CHAS. S. BAGG, *Chairman.*

Mr. POTTER offered the following resolution:

*Resolved,* By the Legislative Council of the Territory of Mon-

tana, That the House of Representatives be requested to recede from their amendments to Council Bill No. 2, An Act locating the capital of Montana Territory.

Which was adopted.

House Bill No. 61, An Act to incorporate the North Mill Creek Ditch Company;

On motion of Mr. BAGG, the rules were suspended, and bill read third time by its title, and did not pass, the following being the vote :

In the affirmative, none.

In the negative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President.

By Mr. LEAVITT,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill entitled An Act to provide for stay of procedure in foreign indebtedness.

House Bill No. 83, An Act to incorporate the Missouri River Coal Mining Company;

On motion, the rules were suspended, and the bill read the third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, and Mr. President.

In the negative — Mr. Worden.

Council Bill No. 93, An Act to incorporate the Helena Ditch Company;

On motion of Mr. MERRIMAN, the rules were suspended, and the bill read the third time, by its title, and passed, by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Worden and Mr. President.

In the negative — Mr. Thompson.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }  
January 27, 1865. }

*To the Honorable President of the Council :*

SIR : — The amendments of the Council to House Bills No. 81 and 104 were concurred in by the House.

The House did not concur in the amendments of the Council to House Bills Nos. 88 and 78, and a Committee of Conference was appointed to act in conjunction with a Committee of the Council to consider the said bills, and it is respectfully asked that the Council appoint the said Committee.

The Committee on the part of the House are Messrs. McCormick, Bell and Courtwright.

WM. L. BROWN, *Clerk.*

On motion of Mr. POTTER, Council Bill No. 73, An Act defining the boundary lines of counties in Montana Territory, with the House amendments to said bill, was taken up.

On motion of Mr. BAGG, the Council did not concur in the amendments of the House to Council Bill No. 73.

On motion of Mr. MERRIMAN, a Committee of three was appointed to confer with a like Committee from the House. on the House amendments to the aforementioned Council Bill.

The Committee consists of Messrs. Merriman, Bagg and Worden.

The President appointed Messrs. Potter, Thompson and Leavitt as a Committee of Conference to confer with a like Committee from the House on Council amendments to House Bills No. 78 and 88.

On motion of Mr. LEAVITT, Council Bill No. 52, An Act to incorporate the Central City Milling and Mining Company, was taken from the table, and

On motion of Mr. THOMPSON, the rules were suspended, bill read the third time by its title, and did not pass, the following vote being the result:

In the affirmative,—Mr.. Merriman and Mr. President.

In the negative — Messrs. Bagg, Leavitt, Potter, Thompson and Worden.

On motion of Mr. BAGG, that the vote on Council Bill No. 52 be reconsidered, and motion by the same member that his previous motion be laid on the table.

Which was adopted.

On motion of Mr. BAGG, Council Bill No. 74, An Act to increase the number of members in the Council and House of Repre-

sentatives, and to apportion the Territory of Montana into Council and Representative districts was taken from the table.

On motion of Mr. POTTER, said bill was made the special order for Monday next, at 2 o'clock P. M., to be considered in a Committee of the Whole.

On motion of Mr. LEAVITT, the Council adjourned until tomorrow morning at 10 o'clock.

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SATURDAY, JANUARY 28, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Thompson.

The journal of yesterday was read and approved.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 85, An Act to incorporate the East Ophir Town Company, have had the same under consideration, and beg leave to report the same back with these amendments, to wit :

Section 1. Add to the list of corporators named in this section the names of George A. Haynes, John Ryan and Thomas Horsford.

Also, after Section 3 add Section 4. Nothing in this act shall be so construed as to allow said company to pre-empt more land than they are entitled to by the individual rights of each person belonging to said company when incorporated, according to the pre-emption laws of the United States and the laws of this Territory.

Report was accepted and amendments adopted.

On motion of Mr. BAGG, the rules were suspended, and House Bill No. 85, An Act to incorporate the East Ophir Town Company, was read the third time by its title, and passed by the following vote :



In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. POTTER, of Committee of Conference, made the following report :

Mr. PRESIDENT : — The Committee of Conference appointed to consider House Bill No. 88, An Act incorporating the Gallatin Ferry Company, beg leave to report that they have had said bill under consideration, and that said Committee have agreed to recede from Council amendments to said bill so far as the same relates to the reduction of the rates of toll on said ferry, and have agreed that the time said ferry may be maintained and operated shall be eight years.

The above report was accepted.

Mr. POTTER offered the following resolution :

*Resolved*, By the Legislative Council (the House concurring), That His Excellency the Governor be requested to return Council Bill No. 55 to the Council.

Which was adopted.

Motion of Mr. LEAVITT, that the vote on House Bill No. 61, An Act to incorporate the North Mill Creek Ditch Company, be reconsidered.

Which was adopted.

On motion of Mr. LEAVITT, the consideration of House Bill No. 61 was made the special order for Monday next at 2 o'clock P. M., said bill to be considered in a Committee of the Whole.

Mr. POTTER offered the following resolution :

*Resolved*, That House Bill No. 5, An Act to incorporate the Idaho and Montana Road Company, which was indefinitely postponed, be taken up.

Which was adopted.

On motion of Mr. POTTER, House Bill No. 5 was referred to Committee on Incorporations.

On motion of Mr. THOMPSON, the Council adjourned until Monday morning at 10 o'clock.

MONDAY, JANUARY 30, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent—Mr. Thompson.

The Journal of Saturday was read and approved.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 90, An Act to incorporate the Montana Quick Silver Company; also Council Bill No. 89, An Act to incorporate the Montana Coal Mining and Earthen Ware Company, have examined the same, and recommend that both bills be considered in Committee of the Whole.

Which was adopted.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee on Incorporations, to whom was referred House Bill No. 75, An Act to incorporate the Idaho and Montana Wagon Road Company, beg leave to report that they have had said bill under consideration, and would recommend the following amendments:

Strike out section 3 down to and including the 15th line, and insert the following in lieu thereof: Said company shall have the right to locate and construct a wagon road, commencing on the summit of the Bitter Root Mountains, at the line dividing the Territories of Montana and Idaho, and at the head of the northwest fork of Bitter Root River, near the Nez Perse Trail, and running thence along or near said stream to its junction with Rosses Fork of Bitter Root River, thence up or near said Rosses Fork to or near its source, thence across the Rocky Mountain range to the head of

the north fork of Big Hole River, thence down said fork to or near its junction with the main Big Hole River, thence down along or near said river to the Deer Lodge and Virginia City wagon road.

Also, strike out all of section 6 after the 9th line, and insert the following: For each wagon or vehicle drawn by one horse or mule, four dollars; for each wagon or vehicle drawn by one span of horses or mules or yoke of cattle, eight dollars; for each additional span of horses or mules or pair of cattle, two dollars; for one man and horse or mule, one dollar; for each pack animal, one dollar; for loose horses, mules or cattle, fifty cents; for sheep, goats or swine, twenty-five cents per head.

The report was accepted and amendments adopted.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 86, An Act to incorporate the Town of North Ophir, have had the same under consideration, and ask leave to report it back without amendment.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 59, An Act to incorporate the Beaver Head Ditch Company, have had the same under consideration, and beg leave to report it back for the consideration of the Council.

Mr. POTTER introduced Council Bill No. 100, An Act concerning divorces and alimony;

Which was read the first and second times, and on motion of Mr. POTTER, was referred to Judiciary Committee.

Mr. MERRIMAN, of Committee on Enrollment, reports that they have examined, and found correctly enrolled, Council Bill No. 27, An Act concerning crimes and punishments;

Also, Council Bill No. 69, An Act concerning the location of tunnel claims;

Also, Council Bill No. 85, An Act to incorporate the Ashland Gold and Silver Mining Company;

Also, Council Bill No. 96, An Act to provide for the issuing and serving of certain legal processes on Sunday;

Also, Council Bill No. 98, An Act relating to the printing of the laws and journals of the Council and House of the first Legislative Assembly of the Territory of Montana.

The consideration of messages from the House being the order :

The House amendments to Council Bill No. 61 were taken up, and on motion of Mr. BAGG, said amendments were concurred in.

The Council also concurred in House amendments to Council Bill No. 86.

House Bill on first reading :

House Bill No. 97, An Act to incorporate the Ophir Ferry Company ;

Was read the first and second times, and referred to the Committee on Incorporations.

The following message was received from the Governor :

EXECUTIVE OFFICE, BANNACK CITY, {  
January 28, 1865. }

*To the Hon. President of the Council :*

SIR :— I have this day signed Council Bill No. 72, An Act to authorize the appointment of commissioners of deeds ;

No. 84, An Act to secure certain privileges to Thomas D. Pitt.

No. 87, An Act to incorporate the Willow Creek Town Company.

Respectfully,

SIDNEY EDGERTON, *Governor.*

The following message was received from the Governor :

EXECUTIVE OFFICE, {  
January 30, 1865. }

*To the Hon. President of the Council :*

SIR :— In compliance with a joint resolution of the Council and House, I return Council Bill No. 55.

Respectfully,

SIDNEY EDGERTON, *Governor.*

On motion of Mr. BAGG, the Council now resolved itself into a Committee of the Whole, for the consideration of Council Bills

No. 89 and 90, agreeably to the recommendations of the Committee on Incorporations.

After some time spent therein, the Committee rose, and on motion of Mr. WORDEN, the chairman was allowed until this afternoon to report.

On motion of Mr. BAGG, the Council adjourned until this afternoon at 2 o'clock.

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### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

All the members present.

The consideration of Council Bill No. 74, An Act to increase the number of members in the Council and House of Representatives, and to apportion the Territory of Montana into Council and Representative districts, being the special order for this afternoon at 2 o'clock, the Council resolved itself into a Committee of the Whole for the consideration of said bill.

Mr. Leavitt in the chair.

After some time spent therein, the Committee rose, and on motion of Mr. BAGG, the chairman was given until to-morrow morning to report:

Mr. MERRIMAN, of Committee of the Whole, made the following report:

Mr. PRESIDENT: — The Committee of the Whole have had under consideration, pursuant to order, Council Bill No. 89, An Act to incorporate the Montana Coal Mining and Earthen Ware Company, and recommend that the bill be indefinitely postponed.

Also, Council Bill No. 90, An Act to incorporate the Montana Quick Silver Company, and recommend that all but the enacting clause be stricken out.

N. MERRIMAN, *Chairman.*

On motion the report was adopted.



On motion of Mr. POTTER, the Council resolved itself into a Committee of the Whole for the consideration of House Bill No. 61, An Act to incorporate the North Mill Creek Ditch Company.

Mr. Potter in the chair.

After some time spent therein, the Committee rose, and through their chairman made the following report :

Mr. PRESIDENT : — Your Committee of the Whole, having had under consideration House Bill No. 61, An Act to incorporate the North Mill Creek Ditch Company, beg leave to report that said Committee have agreed to the following amendment :

After section 2, add proviso as follows : *Provided*, That there shall be at all times a sufficient amount of water left to run in said Mill Creek for the reasonable use of the occupants upon said stream below the point where the water is taken out.

And have agreed that said bill, with the amendment, be reported back for the consideration of the Council.

A. S. POTTER, *Chairman*.

The report was accepted, and the amendments adopted.

Mr. Thompson in the chair.

Mr. LAWRENCE offered the following resolution :

*Resolved*, By the Council and House of Representatives, That the joint resolution of the Council and House of Representatives, relating to the introduction of private bills, be and the same is hereby repealed.

Which was adopted.

On motion of Mr. MERRIMAN, the rules were suspended, and House Bill No 61, An Act to incorporate the North Mill Creek Ditch Company, was read the third time, by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, and Mr. President.

In the negative — Messrs. Thompson and Worden.

Mr. LEAVITT introduced Council Bill No. 101, An Act to provide for stay of procedure in foreign indebtedness ;

Which was read the first and second times, and referred to Judiciary Committee.

On motion of Mr. BAGG, Council Bill No. 89, An Act to incorporate the Montana Coal Mining and Earthen Ware Company;  
Was laid on the table.

Mr. MERRIMAN, of Committee on Enrollment, reports that they have examined, and found correctly enrolled, Council Bill No. 95, An Act to incorporate the Eureka Gold and Silver Mining Company; also, Council Bill No. 15, An Act to incorporate the Historical Society of Montana.

Mr. MERRIMAN, of Joint Committee, made the following report :

Mr. PRESIDENT:—The following members of your Joint Committee on Council Bill No. 73, entitled An Act defining the boundary lines of the counties in this Territory, beg leave to report as follows, to wit:

Add in section 4 "And the county seat of Madison is hereby located at Virginia City."

Also, strike out in last line of section 6 the word "Edgerton," and insert the word "Silver."

And leave the whole of section 5 as in the original bill, without the amendments as proposed by the House.

Also, add the following to section 10: "That the people of the several counties in this Territory, at the general election to be held in September, A. D. 1865, may by vote locate the county seat of their respective counties."

Also, add the following: Section 11. This act to take effect and be in force from and after its passage.

And ask that the bill pass.

Signed,

N. MERRIMAN,  
F. L. WORDEN,  
JAS. STUART,  
— BELL.

On motion, the foregoing report was laid on the table.

On motion of Mr. BAGG, the Council adjourned until tomorrow morning at 10 o'clock.

TUESDAY, JANUARY 31, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent, none.

Journal of yesterday read and approved.

Mr. THOMPSON, of Judiciary Committee, made the following report :

Mr. PRESIDENT : — Your Committee have had under consideration House Bill No. 66, An Act concerning limitations, and recommend that in section 3, in 7th line, strike out the word "five" before the word "years," and insert in lieu thereof the word "three."

In section 4, 3d line from last line, make the same alteration.

In section 8, 3d line, strike out the word "five" before the word "years," and insert the word "two" in lieu thereof.

In section 11, 3d line, strike out the word "four" before the word "years," and insert the word "three" in lieu thereof;

And recommend that it do pass.

Report was accepted and amendments adopted.

On motion of Mr. BAGG, the rules were suspended, and House Bill No. 66, An Act concerning limitations, was read third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT : — Your Committee to whom was referred House Bill No. 89, An Act to incorporate the Virginia City and Camas Creek Wagon Rompany, beg leave to report that they have

had said bill under consideration, and would recommend the following amendments:

Add after section 7 the following: *Provided*, That no toll gate shall be erected or maintained nearer than nine miles from the City of Virginia;

Also, strike out all of section 10 after the word "reside," in twelfth line;

And would recommend that the bill pass with said amendments.

Report was accepted and amendments adopted.

Mr. LEAVITT, from Committee of the Whole, made the following report:

Mr. PRESIDENT:—The Committee of the Whole of the Council have had under consideration, according to order, Council Bill No. 74, An Act to increase the number of members in the Council and House of Representatives, and to apportion the Territory of Montana into Council and Representative districts, and report as follows:

A substitute for said bill was offered, and an amendment to the substitute made and adopted.

The original bill, substitute, and amendment to substitute are herewith transmitted with the report.

E. D. LEAVITT, *Chairman*.

On motion of Mr. THOMPSON, that the foregoing report, with the bill, be laid on the table, the ayes and noes were demanded, with the following result:

In the affirmative — Messrs. Merriman, Thompson, Worden, and Mr. President.

In the negative — Messrs. Bagg, Leavitt, and Potter.

So the report and bill were laid on the table.

Mr. BAGG, from Joint Committee, made the following report:

Mr. PRESIDENT:—Your Committee upon whom was imposed the task and laid the duty to ascertain the number and nature of bills passed by both Houses of the Legislative Assembly of the Territory of Montana, and approved by the Governor, which consisted of Chas. S. Bagg on the part of the Council and A. E. Mayhew on the part of the House, have performed their labors to the

best of their ability, and beg leave to report the accompanying lists marked "Copies of Council Bills and House Bills approved."

CHAS. S. BAGG, *of the Council,*

A. E. MAYHEW, *of the House.*

The report was adopted.

Motion of Mr. BAGG, that the Engrossing Clerk be requested to furnish each member of the Council with a copy of the lists of Council and House Bills approved;

Was adopted.

Mr. BAGG, as Chairman of a Special Committee, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 31, An Act relating to counties and county officers, beg leave to report that they have had said bill under consideration, and would recommend the following amendments:

In section 10, 17th line, add after the word "years" the following, to wit: *Provided*, That the first election for any township or precinct officers shall be held on the first Monday in April, A. D. 1865, in the county of Madison, but in no other county in this Territory at that time. And the time between the first Monday in April, A. D. 1865, and the first Monday in September, A. D. 1865, shall constitute the first year in said county of Madison; and the term of office of all officers elected on the said first Monday in April, A. D. 1865, shall expire on the first Monday in September, A. D. 1865, or as soon thereafter as their successors shall be elected and qualified.

Signed,

CHAS. S. BAGG,

A. S. POTTER,

F. L. WORDEN.

On motion of Mr. BAGG, that the report be accepted and the amendment adopted, the ayes and noes were demanded, with the following result:

In the affirmative—Messrs. Bagg, Merriman, Potter, Worden, and Mr. President.

In the negative—Messrs. Leavitt and Thompson.

Report was accepted and amendment adopted.



On motion of Mr. WORDEN, the rules were suspended, and Council Bill No. 31 was read third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Merriman, Potter, Worden, and Mr. President.

In the negative — Messrs. Leavitt and Thompson.

Mr. BAGG introduced Council Joint Resolution No. 8, relating to the codification of the laws of Montana Territory;

Which was read first time, and on motion of Mr. LEAVITT was laid on the table.

Mr. BAGG introduced Council Bill No. 102, An Act to incorporate the Norwegian Gulch Ditch Company;

Which was read the first and second times, and referred to the Committee on Incorporations.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
January 31, 1865. }

*To the Hon. President of the Council :*

SIR : — The House approved the resolution asking the Governor to return to the Council Council Bill No. 55.

Council Bill No. 82, An Act to incorporate the Bannack Gold and Silver Mining Company, passed the House amended by striking out sections 9 and 10.

The amendments of the Council to House Bills No. 91 and 83 were not concurred in by the House, and it is respectfully requested by the House that the honorable Council recede from the amendments to the said House Bills.

Council Bill No. 97 was passed in the House without amendment.

The substitute of the Council to House Bill No. 102, An Act authorizing certain persons to solemnize marriages, was accepted by the House.

The Clerk has been ordered by the House to correct an error made by him in reporting certain amendments to Council Bill No. 55. The omission of pack animals, and the amount of toll to be paid thereon, in the amendments of the House to said bill was the

error of the Clerk, and the said amendment is hereby returned to the Council as having been made by the House.

Council Bill No. 64 was rejected by the House.

WM. L. BROWN, *Clerk.*

Mr. MERRIMAN introduced Council Bill No. 103, An Act to incorporate the Prickly Pear Gold and Silver Mining Company;

On motion of Mr. WORDEN, the rules were suspended, and the bill read the first and second time by its title, and referred to Committee on Incorporations.

Mr. POTTER introduced Council Bill No. 104, An Act to incorporate the American Gold and Silver Mining Company of Montana;

On motion, the rules were suspended, bill read first and second times by its title, and referred to Committee on Incorporations.

Mr. POTTER introduced Council Bill No. 105, An Act to incorporate the Upper Missouri River Steam Navigation Company;

On motion, the rules were suspended, bill read first and second times by its title, and referred to Committee on Incorporations.

Mr. POTTER introduced Council Bill No. 106, An Act to incorporate the Stinking Water Ditch Company;

On motion, the rules were suspended, bill read first and second times by its title, and referred to Committee on Incorporations.

Mr. WORDEN introduced Council Bill No. 107, An Act to incorporate the Silver Bow Town Company;

On motion, the rules were suspended, bill read first and second times by its title, and referred to Committee on Incorporations.

Mr. MERRIMAN introduced Council Bill No. 108, An Act to change the name of Montana City to Prickly Pear, and to incorporate the same;

On motion, the rules were suspended, bill read first and second times by its title, and referred to Committee on Incorporations.

House Bill No. 59, An Act to incorporate the Beaver Head Ditch Company being before the Council, Mr. POTTER offered the following amendments to said bill:

Add after section 3 this proviso: *Provided*, That if the incor-

porators, or their agents, and parties desiring to purchase water, cannot agree upon the rates at which the said water shall be sold, then the rates shall be fixed by the county commissioners of Beaver Head County.

Which amendment was adopted, and

On motion of Mr. WORDEN, the rules were suspended, and House Bill No. 59, was read third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 86, An Act to incorporate the town of North Ophir;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 75, An Act to incorporate and establish the Idaho and Montana Wagon Road Company;

On motion of Mr. WORDEN, the rules were suspended, the bill read third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. THOMPSON, of the Judiciary Committee, made the following report:

Mr. PRESIDENT:— Your Committee to whom was referred Council Bill No. 101, have had the same under consideration, and recommend the following amendment:

In section 1, next to the last line, strike out the word "two" before the word "years," and insert the word "one."

The report was accepted and the amendment adopted.

Mr. THOMPSON, from the Judiciary Committee, made the following report:

Mr. PRESIDENT:— Your Committee beg leave to report con-

sideration on Council Bill No. 100, An Act concerning divorce and alimony, and report it back without amendment.

Which was adopted.

Mr. MERRIMAN introduced Council Bill No. 109, An Act to regulate the fees of officers, jurors and witnesses, and by his motion the rules were suspended, bill read first and second times by its title, and referred to a Special Committee consisting of Messrs. Bagg, Worden and Thompson.

Mr. THOMPSON introduced Council Bill No. 110, An Act to apportion the representatives to the Legislative Assembly of Montana Territory ;

Which was read the first and second times, and referred to the Committee on Elections.

Council Bill No. 100, An Act concerning divorce and alimony ;

On motion of Mr. BAGG, the rules were suspended, bill read third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 101, An Act to provide for stay of procedure in foreign indebtedness ;

On motion of Mr. BAGG, the rules were suspended, the bill was read the third time, by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. LEAVITT introduced Council Bill No. 111, An Act to incorporate the Virginia City Gold and Silver Mining Company.

On motion of Mr. THOMPSON, the rules were suspended, bill read first and second times by its title, and referred to Committee on Incorporations.

The following message was received from the Governor :

EXECUTIVE OFFICE, BANNACK CITY, {  
January 31, 1865. }

*To the Hon. President of Council :*

SIR : — I have this day signed the following bills :

Council Bill No. 69, concerning the location of tunnel claims ;

No. 85, An Act to incorporate the Ashland Gold and Silver Mining Company ;

No. 96, An Act to provide for the issuing and serving certain legal processes on Sunday ;

No. 98, An Act relating to the printing of the laws and journals of the Council and House of the first Legislative Assembly of Montana Territory.

Respectfully,

SIDNEY EDGERTON, *Governor.*

On motion of Mr. THOMPSON, the Enrolling Clerk was instructed to enroll the amendments in Council Bill No. 55.

On motion of Mr. THOMPSON, the Council adjourned until 2 o'clock this afternoon.

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#### AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Leavitt and Potter.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, {  
January 31, 1865. }

*To the Hon. President of the Council :*

SIR : — The House this day receded from its amendments to Council Bill No. 2, An Act locating the seat of government of Montana Territory.

WM. L. BROWN, *Clerk.*



Mr. MERRIMAN, from Committee on Enrollment, made the following report:

Mr. PRESIDENT:—Your Joint Committee have examined and found correctly enrolled, Council Bill No. 49, An Act authorizing John S. Lott and M. H. Lott to use the waters of the Wisconsin Gulch;

Also, Council Bill No. 77, An Act to incorporate the Deer Lodge Mining Company;

Also, Council Bill No. 59, An Act to incorporate the Yellow Stone Anthracite and Bituminous Coal Company;

Also, Council Bill No. 52, An Act to incorporate the Alki Town Company.

Mr. BAGG introduced Council Bill No. 112, An Act to incorporate the City of Nevada.

On motion of Mr. BAGG, the rules were suspended, bill read first and second times by its title, and referred to Committee on Towns and Counties.

On motion of Mr. POTTER, Council Bill No. 90, An Act to incorporate the Montana Quicksilver Company, was taken from the table.

Mr. POTTER offered the following amendments to said bill:

After the enacting clause, insert the following:

SEC. 1. That Frederick Root, John Potter, Charles Wyman, Walter Wyman, William Buchanan and Buck Buchanan, and their associates, are hereby created a body politic and corporate, to be known as the Montana Quicksilver Company, and by that name and style may sue and be sued, plead and be impleaded, in all courts of law or equity in this Territory, may have and use a common seal, which may be altered at pleasure, may make contracts, by-laws, and all needful rules and regulations for the government of said company, may elect a president, secretary and treasurer, whose duties and term of office shall be prescribed by their by-laws, and may do all other acts and things necessary for the transaction of their business.

SEC. 2. Said company may pre-empt and hold as real estate two hundred feet for each member of said company on all cinnabar

or quicksilver veins or lodes not otherwise claimed, or that may be by them discovered in this Territory.

SEC. 3. Said company may erect and construct all buildings or furnaces necessary for extracting the quicksilver from their ore, and for this purpose may pre-empt and hold as real estate any amount of ground, not to exceed thirty acres, and may sink shafts, drive tunnels, build such roads, either rail or wagon, as they may need for the purpose of carrying their cinnabar ore from the mine to their machinery.

SEC. 4. All claims and locations made by said company shall be recorded in the county recorder's office of the county in which such claim or location shall be made.

SEC. 5. This act to take effect and be in force from and after its passage.

The amendments were adopted, and bill ordered to be engrossed.

On motion of Mr. BAGG, the rules were suspended, and Council Bill No. 90 was read the third time, by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. POTTER, Council Bill No. 74, An Act to increase the number of members in the Council and House of Representatives, and to apportion the Territory of Montana into Council and Representative districts, was taken from the table.

On motion of Mr. BAGG, that the report of the chairman of the Committee of the Whole, on Council Bill No. 74, be adopted, the ayes and noes were demanded.

Those voting in the affirmative were — Messrs. Bagg, Leavitt, Potter, and Mr. President.

In the negative — Messrs. Merriman, Thompson and Worden.

So the report was adopted.

On motion of Mr. POTTER, the rules were suspended, and Council Bill No. 74, was read third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Potter, Thompson and Mr. President.

In the negative — Messrs. Merriman and Worden.

Mr. THOMPSON gave notice that on to-morrow he would move a reconsideration of the vote on Council Bill No. 74.

Motion of Mr. BAGG, that the vote on the passage of Council Bill No. 74 be now reconsidered.

Mr. POTTER moved that the motion by Mr. Bagg be laid on the table.

The ayes and noes were demanded with the following result :

In the affirmative — Messrs. Bagg, Leavitt, Potter, Thompson, and Mr. President.

In the negative — Messrs. Merriman and Worden.

So the motion was laid on the table.

On motion, the Council adjourned until to-morrow morning at 10 o'clock.

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### WEDNESDAY, FEBRUARY 1, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Bagg and Leavitt.

The Journal was read, corrected, and approved.

Mr. MERRIMAN, of Committee on Enrollment, reports that they have examined, and found correctly enrolled, Council Bill No. 81, An Act to incorporate the Prickly Pear, Deer Lodge and Silver Bow Wagon Road Company ;

Also, Council Joint Resolution No. 7, in reference to the war.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 107, An Act to incorporate the Silver Bow Town Company, have considered the same, and beg leave to report it back without amendment.

Which report was adopted.

Mr. LEAVITT, from the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 105, An Act to incorporate the Upper Missouri River Steamboat Navigation Company, also Council Bill No. 108, An Act to change the name of the town of Montana City to Prickly Pear, and to incorporate the same, have had the said bills under consideration, and beg leave to report them back without amendment.

Also, Council Bill No. 106, An Act to incorporate the Stinking Water Ditch Company, and would recommend its passage, with the following amendments, to wit:

Section 1. Strike out all between the words "corporate" in 4th line and "by" in 5th line; and annex to end of section 3 the words "and may maintain and operate the same for the term of twenty years."

Report was accepted and amendments adopted.

On motion of Mr. BAGG, the rules were suspended, and Council Bill No. 106, was read third time by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. LEAVITT introduced Council Bill No. 113, An Act to incorporate the Helena Wagon Road Company;

On motion of Mr. MERRIMAN, the rules were suspended, and bill read the first and second times by its title, and referred to Judiciary Committee.

Mr. THOMPSON, of the Judiciary Committee, made the following report:

Your Judiciary Committee beg leave to report favorably upon

Council Bill No. 62, An Act to provide compensation to B. B. Burchett for services rendered this Territory.

Mr. THOMPSON introduced Council Bill No. 114, An Act to provide for the compensation of John H. Featherstone for services rendered the Territory of Montana;

Which was read the first and second times, and referred to Committee on Ways and Means.

Mr. POTTER, of Committee on Towns and Counties, made the following report:

Mr. PRESIDENT:—Your Committee on Towns and Counties to whom was referred Council Bill No. 112, An Act to incorporate the City of Nevada, beg leave to report that they have had the same under consideration, and would recommend that it pass.

Council Joint Resolution No. 7, An Act relating to the codification of laws;

On motion of Mr. BAGG, the rules were suspended, and the resolution read the third time by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson and Worden.

In the negative—Mr. President.

The consideration of messages from the House being the order,

On motion of Mr. THOMPSON, the Council concurred in House amendments to Council Bill No. 82, and

On motion of Mr. LEAVITT, the Council refused to recede from Council amendments to House Bills No. 83 and 91.

On motion of Mr. THOMPSON, a Committee of two was appointed from the Council to confer with a like Committee from the House in relation to the Council amendments to House Bills No. 83 and 91.

The Committee consists of Messrs. Thompson and Potter.

On motion of Mr. BAGG, Council Bill No. 73, An Act defining the boundary lines of counties in Montana Territory, was taken from the table.



When Mr MERRIMAN, of Committee of Conference on said bill, asked that their report of January 30 be amended as follows:

Strike out the word "general" and insert the word "first," in 7th line from the bottom; also, strike out the words "September A. D. 1865," and insert the words "the Territory," in 6th line from the bottom.

Which was adopted.

On motion of Mr. THOMPSON, the report of the Committee on Council Bill No. 93 was adopted.

House Bill No. 89, An Act to incorporate the Virginia City and Camas Creek Wagon Road Company;

On motion of Mr. BAGG, the rules were suspended, and bill was read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. WORDEN, the Council adjourned until 2 o'clock this afternoon.

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### AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Merriman.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 97, An Act to incorporate the Ophir Town Company, and Council Bill No. 111, An Act to incorporate the Virginia City Gold and Silver Mining Company, have had the same under consideration, and report them back without amendment.

By Mr. BAGG,

I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill to incorporate the Madison County Coal Company.

Mr. BAGG introduced Council Bill No. 115, An Act declaring gulch mining claims real estate;

Which was read the first time, and on motion of Mr. POTTER was laid on the table.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, {  
February 1, 1865. }

*To the Honorable President of the Council:*

SIR:—The Joint Resolution of the Council and House of Representatives concerning the introduction of private bills, was repealed this day by the House.

The amendments of the Council to House Bill No. 59, were not concurred in by the House.

Amendments to House Bills No. 75 and 85, were approved by the House.

The amendments of the Conference Committee on Council Bill No. 73, defining county boundaries, &c., were approved by the House.

WM. L. BROWN, *Clerk.*

House Bill No. 97, An Act to incorporate the Ophir Ferry Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

Council Bill No. 62, An Act to provide for the compensation of B. B. Burchett for services rendered the Territory;

Was read the third time, and passed, by the following vote:

In the affirmative — Messrs. Bagg, Merriman, Thompson and Worden.

In the negative — Mr. Potter and Mr. President.

Council Bill No. 105, An Act to incorporate the Upper Missouri Steamboat Navigation Company;

On motion of Mr. BAGG, that Council Bill No. 105 be indefinitely postponed, the ayes and noes were demanded;

In the affirmative — Messrs. Bagg, Thompson and Worden.

In the negative — Messrs. Merriman, Potter, and Mr. President.

The votes being equal, the motion was not adopted.

On motion of Mr. POTTER, Council Bill No. 105, was referred to Judiciary Committee.

Council Bill No. 107, An Act to incorporate the Silver Bow Town Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 108, An Act to change the name of the town of Montana City to Prickly Pear, and to incorporate the same;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 111, An Act to incorporate the Virginia City Gold and Silver Mining Company;

Was read the third time, and passed by the following vote:

In the affirmative — Mr. President.

In the negative — Messrs. Bagg, Merriman, Potter, Thompson and Worden.

Mr. BAGG offered the following amendment to Council Bill No. 112, entitled An Act to incorporate the City of Nevada:

In section 2, strike out all after the word "commencing," in second line, and insert the words, "at a point four hundred feet west of W. K. Lockwood's house in Central City, thence south one-half mile, thence west one and three-fourths of a mile, thence north one mile, thence east one and three-fourths of a mile, thence south to

the place of beginning, shall be and the same shall constitute the limits of said city."

Which amendment was adopted, and on motion of Mr. BAGG, the bill was ordered to be engrossed for third reading.

Mr. MERRIMAN introduced Council Bill No. 116, An Act to authorize and enable A. Sullivan to sell and convey certain mining claims;

Which was read the first and second times, and referred to Committee on Judiciary.

Mr. MERRIMAN introduced Council Bill No. 117, An Act to incorporate the Boulder Town Company.

On motion, the rules were suspended, and the bill read the first and second times by its title, and referred to Committee on Incorporations.

Mr. THOMPSON, of Judiciary Committee, made the following report:

Mr. PRESIDENT: — Your Committee have had under consideration Council Bill No. 99, An Act to legalize the records of Jefferson County, and report it back for the consideration of the Council.

On motion of Mr. POTTER, Council Bill No. 99 was laid on the table.

On motion of Mr. BAGG, the Council adjourned until to-morrow morning at 10 o'clock.

## THURSDAY, FEBRUARY 2, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Bagg.

The Journal of yesterday was read and approved.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 104, An Act to incorporate the American Gold and Silver Mining Company of Montana, have considered the same, and beg leave to report it back without amendment.

Mr. WORDEN, of Committee on Engrossment, made the following report:

Mr. PRESIDENT:—Your Committee have examined and found correctly engrossed Council Bill No. 112, An Act to incorporate the city of Nevada.

Mr. MERRIMAN, of Committee on Enrolment, made the following report:

Mr. PRESIDENT:—Your Committee on Enrolment have examined and found correctly enrolled Council Bill No. 73, An Act defining the boundary lines of counties in Montana Territory.

Mr. THOMPSON, of the Judiciary Committee, made the following report:

Mr. PRESIDENT:—Your Judiciary Committee beg leave to report consideration of Council Bill No. 113, An Act to incorporate the Helena Wagon Road Company, and report it back for the consideration of the Council without amendment.



Mr. BAGG introduced Council Bill No. 118, An Act to incorporate the Madison County Coal Company.

On motion of Mr. BAGG, the rules were suspended, and the bill was read the first and second times by its title, and referred to Committee on Incorporations.

Mr. POTTER introduced Council Bill No. 119, An Act to incorporate the Willow Creek and Virginia City Wagon Road Company.

On motion of Mr. POTTER, the rules were suspended, and bill read the first and second times, and on motion of Mr. BAGG was laid on the table.

Mr. THOMPSON, of Judiciary Committee, made the following report :

Mr. PRESIDENT :—Your Committee have had under consideration Council Bill No. 116, An Act to authorize A. Sullivan to sell and convey certain mining claims, and report it back without amendment, and recommend its passage.

Mr. THOMPSON, of Committee on Ways and Means, made the following report :

Mr. PRESIDENT :—I am instructed by the Committee on Ways and Means to report consideration of Council Bill No. 114, An Act to provide for the compensation of Jno. H. Featherstone for services rendered this Territory, and recommend that said bill be considered in Committee of the Whole.

Which report was adopted.

Mr. BAGG, of Judiciary Committee, made the following majority report :

Mr. PRESIDENT :—The undersigned members of the Committee on Judiciary, who have had Council Bill No. 105 under consideration, beg leave to report the same back and recommend its passage.

CHAS. S. BAGG,  
E. D. LEAVITT.

Report was adopted.

Mr. THOMPSON, of Judiciary Committtee, made the following minority report :

Mr. PRESIDENT:—Your Committee have had under consideration Council Bill No. 105, An Act to incorporate the Upper Missouri Steamboat Navigation Company, and recommend that whenever the word “exclusive” occurs in said bill it be stricken out, believing, as we do, that this body has no right to place any obstruction upon the navigation of any waters in this Territory, or to say who may or who may not remove obstructions wherever they do exist. Your Committee would also recommend that the words “the term of fifty years” be stricken out, and the word “ever” be substituted therefor, and when so amended, recommend its passage.

On motion of Mr. POTTER, that the report be adopted, the ayes and noes being demanded, the following was the result :

In the affirmative — Messrs. Thompson and Worden.

In the negative—Messrs. Bagg, Leavitt, Merriman, Potter, and Mr. President.

So the report was not adopted.

Mr. Worden in the chair.

Mr. LAWRENCE offered the following resolution :

*Resolved*, That a Joint Committee of one from the Council, and two from the House of Representatives, be appointed to ascertain what sum each officer and member of both Houses is entitled to for services and mileage under the provisions of the Organic Act, and also under the act providing for increased compensation of officers in this Territory, and report the same to both Houses.

On motion of Mr. BAGG, the resolution was laid on the table until to-morrow morning.

Council Bill No. 105, An Act to incorporate the Upper Missouri River Steamboat Navigation Company ;

On motion of Mr. BAGG, the rules were suspended, and bill read the third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Potter, Worden, and Mr. President.

In the negative — Messrs. Merriman and Thompson.

On motion of Mr. POTTER, the Council resolved itself into a Committee of the Whole for the consideration of Council Bill No. 114, An Act to provide for the compensation of Jno. H. Featherstone for services rendered this Territory.

Mr. Worden in the chair.

After some time spent therein, the Committee arose, and on motion of Mr. LAWRENCE the Chairman was given until this afternoon to report.

Mr. THOMPSON introduced Council Bill No. 120, An Act to incorporate the Phoenix Gold and Silver Mining Company;

On motion the rules were suspended, and the bill read the first and second times by its title, and referred to Committee on Incorporations.

Mr. THOMPSON introduced Council Bill No. 121, An Act to incorporate the Kalida Gold and Silver Mining Company;

On motion the rules were suspended, and the bill was read the first and second times by its title, and referred to Committee on Incorporations.

On motion of Mr. BAGG, that the Council recede from Council amendments to House Bill No. 59, the ayes and noes being demanded the following was the result:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, and Worden.

In the negative — Mr. Thompson and Mr. President.

So the motion was adopted.

On motion of Mr. BAGG, the Council adjourned until this afternoon at two o'clock.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

All the members present.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }  
February 2, 1865. }

*To the Hon. President of the Council :*

SIR :— The House passed this day the following bills :

House Bill No. 114, An Act to incorporate the Silver Bow Ditch Company ;

House Bill No. 107, An Act to incorporate the Ionia Gold and Silver Mining Company ;

House Bill No. 113, An Act for the compensation of Walter W. DeLacy ;

House Bill No. 110, An Act to incorporate the Madison County Mining Company ;

House Bill No. 12, An Act concerning fugitives from justice ;

House Bill No. 108, An Act to incorporate the Ottawa Mining Company ;

House Bill No. 111, An Act concerning the foreclosure of mortgages.

The above named House bills are herewith transmitted to you for the approval of the Council.

The Joint Resolution of the Council relating to the codification of laws, passed the House without amendment ;

Also, Council Bills No. 62 and 107 were approved by the House ;

Council Bill No. 108 was amended by the House by the insertion of the name of A. Ackerman as one of the trustees ;

The House would not entertain Council Bill No. 106, and ordered the Clerk to return it to the Council, with the recommenda-

tion that it be engrossed if it is desired by the Council to have the House act upon the same.

The House appointed, in compliance with a request of the Council, Messrs. Mahew, Huffaker and Courtwright to confer with the Committee of the Council on House Bills No. 83 and 91.

WM. L. BROWN, *Clerk*.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 102, An Act to incorporate the Norwegian Ditch Company; also, Council Bill No. 103, An Act to incorporate the Prickly Pear Gold and Silver Mining Company, have had the same under consideration, and beg leave to report them back without amendment.

On motion of Mr. BAGG, Council Bills No. 102 and 103 were taken up for third reading.

Council Bill No. 102, An Act to incorporate the Norwegian Gulch Ditch Company;

On motion, the rules were suspended, and bill read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Worden, and Mr. President.

In the negative — Mr. Thompson.

Council Bill No. 103, An Act to incorporate the Prickly Pear Gold and Silver Mining Company;

On motion, the rules were suspended, and bill read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. WORDEN, Chairman of the Committee of the Whole, made the following report:

Mr. PRESIDENT:—The Committee of the Whole having had under consideration Council Bill No. 114, An Act to provide for the compensation of John H. Featherstone for services rendered the



Territory of Montana, would respectfully report the same back with the recommendation that the same be indefinitely postponed.

The report was adopted.

Mr. POTTER, from the Committee of Conference, made the following report :

Mr. PRESIDENT:—Your Committee, to whom was referred House Bills No. 83 and 91, beg leave to report that the Committee of the two Houses cannot agree, and your Committee appointed by the Council would recommend that the Council do not recede from the amendments made to said bills

A. S. POTTER,  
F. M. THOMPSON.

Report was adopted.

Council Bill No. 104, An Act to incorporate the American Gold and Silver Mining Company of Montana;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 113, An Act to incorporate the Helena Wagon Road Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 116, An Act to authorize and enable A. Sullivan to sell and convey certain mining claims;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Thompson and Worden.

In the negative — Mr. Potter and Mr. President.

Mr. POTTER introduced Council Joint Resolution No. 9, declaratory of the duty of the commissioners of Madison County in a special case;

Which was read the first time, and referred to a special Committee, consisting of Messrs. Bagg, Potter and Merriman.

On motion of Mr. BAGG, Council Bill No. 119, An Act to incorporate the Willow Creek and Virginia City Wagon Road Company;

Was taken from the table, and on motion of Mr. POTTER was indefinitely postponed.

On motion of Mr. BAGG, Council Bill No. 99, An Act to legalize the records of Jefferson County;

Was taken from the table, and on motion was indefinitely postponed.

On motion of Mr. POTTER, Council Bill No. 115, An Act declaring gulch mining claims real estate;

Was taken from the table, and indefinitely postponed.

On motion of Mr. POTTER, Council Bill No. 89, An Act to incorporate the Montana Coal Mining and Earthen Ware Company;

Was taken up, and on motion, said bill was laid on the table until July 4, 1865.

On motion of Mr. BAGG, the Secretary of the Council was instructed to mark on the bills indefinitely postponed the word "dead," in red ink.

House Bills on first reading:

House Bill No. 114, An Act to incorporate the Silver Bow Ditch Company;

On motion of Mr. MERRIMAN, the rules were suspended, and the bill was read the first and second times by its title, and referred to Committee on Incorporations.

House Bill No. 107, An Act to incorporate the Ionia Gold and Silver Mining Company;

On motion of Mr. THOMPSON, the rules were suspended, and the bill was read the first and second times by its title, and was referred to Committee on Mines and Minerals.

House Bill No. 113, An Act for the compensation of Walter W DeLacy;

On motion of Mr. BAGG, the rules were suspended, and the

bill read the first time by its title, and second time in full, and third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

House Bill No. 110, An Act to incorporate the Madison County Ditch Company ;

On motion of Mr. THOMPSON, the rules were suspended, and bill read the first and second times by its title, and was referred to Committee on Mines and Minerals.

House Bill No. 112, An Act concerning fugitives from justice ;

On motion of Mr. BAGG, the rules were suspended, and bill was read the first and second times by its title, and referred to Judiciary Committee.

House Bill No. 108, An Act to incorporate the Ottawa Mining Company ;

On motion of Mr. POTTER, the rules were suspended and bill was read the first and second times by its title, and referred to Committee on Indian Affairs.

House Bill No. 111, An Act concerning the foreclosure of mortgages ;

On motion of Mr. MERRIMAN, the rules were suspended and bill read the first and second times by its title, and referred to Judiciary Committee.

The consideration of messages from the House being the order :

The Council agreed to concur in House amendments to Council Bill No. 108.

On motion of Mr. BAGG, Council Bill No. 106 was ordered to be engrossed in compliance with a message from the House.

Mr. LEAVITT, of Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 48, have considered the same, and recommend that it do not pass.

On motion of Mr. BAGG, Council Bill No. 48, An Act to authorize J. Meeks, A. T. Axe, and J. Davidson to maintain a ferry across the Jefferson River, was indefinitely postponed.

Mr. MERRIMAN, of Committee on Enrollment, made the following report :

Mr. PRESIDENT :—Your Committee have examined and found correctly enrolled Council Bill No. 61, An Act providing for the collection of the revenue.

On motion of Mr. BAGG, the Council adjourned until tomorrow morning at 10 o'clock.

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FRIDAY, February 3, 1865.

Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent—Mr. Merriman.

The journal of yesterday was read and approved.

Mr. POTTER introduced Council Bill No. 122, An Act supplemental to An Act entitled An Act to provide for the expenses of Montana Territory ;

Which was read the first time, and on motion of Mr. POTTER, the rules were suspended, and bill was read the second and third times by its title, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT :—Your Committee to whom was referred Council Bill No. 120, An Act to incorporate the Phoenix Gold

and Silver Mining Company, have examined the same, and report it back without amendment.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 121, An Act to incorporate the Kalida Gold and Silver Mining Company, and Council Bill No. 117, An Act to incorporate the Boulder Town Company, have had said bills under consideration, and beg leave to report them back without amendment.

Mr. THOMPSON, of Committee on Indian Affairs made the following report:

Mr. PRESIDENT:—Your Committee have had under consideration House Bill No. 108, An Act to incorporate the Ottawa Mining Company, and recommend that the word “and” second line, section 1, be stricken out, and insert after the word “enjoy,” 15th line, section 1, “in accordance with the laws of this Territory,” and when so amended that the bill pass.

The report was accepted, and the amendments adopted.

Mr. THOMPSON, of Judiciary Committee, made the following report:

Mr. PRESIDENT:—Your Committee beg leave to report consideration of House Bill No. 112, An Act concerning fugitives from justice, and recommend the words “or secrete” be inserted after the word “abscond,” section 8, line 6, and when so amended, recommend its passage.

Which report was accepted and amendment adopted.

Mr. WORDEN introduced Council Bill No. 123, An Act to incorporate the Ophir Flat Head River Wagon Road Company;

On motion of Mr. THOMPSON, the rules were suspended, and bill read the first and second times by its title, and referred to Committee on Incorporations.

Mr. POTTER, of Committee on Mines and Minerals, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred



House Bill No. 107, An Act to incorporate the Ionia Gold and Silver Mining Company, beg leave to report that they have had said bill under consideration, and that in their opinion this bill is one of that *very* numerous class of bills which have neither merit nor demerit, asking nothing other than privileges which every citizen of this Territory now enjoys, and trespassing upon the rights of no one.

Mr. MERRIMAN, of Committee on Enrollment, reports that they have examined Council Bill No. 108, An Act to change the name of the town of Montana City to Prickly Pear, and to incorporate the same, and would recommend that it be re-enrolled in consequence of interlineations.

Which was adopted.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No. 114, An Act to incorporate the Silver Bow Ditch Company, have had the same under consideration, and report it back with the following amendment, to wit:

Section 2, between the word "region," line 11, and the word "and," same line, insert the following: "But one sluice head of water shall be reserved for the use of the miners on Silver Bow Creek, should they desire it."

The report was accepted and the amendment adopted.

Mr. POTTER, of Committee on Mines and Minerals, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 110, An Act to incorporate the Madison County Mining Company, beg leave to report that they have had said bill under consideration, and would report the same back to the Council for its consideration, without any recommendation.

House Bill on third reading:

House Bill No. 107, An Act to incorporate the Ionia Gold and Silver Mining Company;

Which bill passed by the following vote:

In the affirmative — Messrs. Leavitt, Merriman, Thompson and Worden.

In the negative — Mr. Potter and Mr. President.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, {  
February 3, 1865. }

*To the Hon. President of the Council:*

SIR: — The House passed, without amendment, this day, House Bill No. 122, An Act supplemental to An Act to provide for the expenses of Montana Territory. The said bill is herewith returned to the Council.

WM. L. BROWN, *Clerk.*

Council Bill No. 117, An Act to incorporate the Boulder Town Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 120, An Act to incorporate the Phoenix Gold and Silver Mining Company, was read the third time and passed by the following vote:

In the affirmative — Messrs. Leavitt, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Council Bill No. 121, An Act to incorporate the Kalida Gold and Silver Mining Company;

Was read the third time, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT: — Your Committee to whom was referred Council Bill No. 118, An Act to incorporate the Madison County Ditch Company, have considered the same, and would report it back with the following amendment, to wit:

Annex to end of section 7 the following: *Provided*, Such lands are pre-empted and held in accordance with the laws of this Territory.

Which report was accepted and amendment adopted.

On motion of Mr. WORDEN, the Council adjourned until 2 o'clock this afternoon.

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### AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Leavitt and Baggs.

Mr. MERRIMAN, of Committee on Enrollment, reports that they have examined, and found correctly enrolled, Council Bill No. 122, An Act supplementary to An Act to provide for the expenses of Montana Territory.

On motion of Mr. THOMPSON, the resolution of Mr. Lawrence, that a Joint Committee of one from the Council and two from the House of Representatives be appointed to ascertain what sum each officer and member of both Houses are entitled to for services or mileage under the provisions of the Organic Act, and also under the act providing for the increased compensation of officers of this Territory, and report the same to both Houses, was taken from the table.

Mr. THOMPSON offered the following amendment:

After the word "member," 5th line, insert "clerks and attaches."

Which, with the resolution, was adopted.

The President appointed Mr. Thompson as such Committee on part of the Council.

On motion of Mr. THOMPSON, the Council adjourned until to-morrow morning at 10 o'clock.

## SATURDAY, FEBRUARY 4, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Leavitt and Merriman.

Journal of yesterday read and approved.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
February 4, 1865. }

*To the Honorable President of the Council :*

SIR:—The House passed on the 3d inst. the following bills :

Council Bill No. 106, An Act to incorporate the Stinking Water Ditch Company ;

Council Bill No. 104, An Act to incorporate the American Gold and Silver Mining Company ;

Council Bill No. 100, An Act concerning Divorce and Alimony ;

Council Bill No. 105, An Act to incorporate the Upper Missouri River Steamboat Navigation Company ;

Council Bill No. 113, An Act to incorporate the Helena Wagon Road Company ;

Council Bill No. 112, An Act to incorporate the city of Nevada, was amended by striking out section three in article one ;

Council Bill No 70, An Act to incorporate the Gallatin Ditch Company, and Council Bill No. 93, An Act to incorporate the Helena Ditch Company, passed with amendments, which are herewith transmitted.

The above named Council Bills are, with this message, returned to the Council.

The House concurred in the amendments of the Council to House Bill No. 78, An Act to incorporate the Gallatin Town Company.

House Bill No. 96, An Act to incorporate the Linni Bridge Company, passed.

Also, House Bill No. 117, supplementary to an act entitled An Act to provide increased compensation to officers of this Territory.

The said House Bills are herewith transmitted to you for the approval of the Council.

WM. L. BROWN, *Clerk.*

EXECUTIVE OFFICE, BANNACK CITY, }  
February 2, 1865. }

*To the Hon. President of the Council:*

SIR:—I have this day signed the following Council Bills, viz:

No. 15, An Act to incorporate the Historical Society of Montana;

No. 49, An Act to authorize John S. Lott and M. H. Lott to use the water of Wisconsin Gulch for irrigating and milling purposes;

No. 59, An Act to incorporate the Yellow Stone and Bituminous Coal Company;

No. 73, An Act defining the boundary lines of counties of Montana Territory;

No. 77, An Act to incorporate the Deer Lodge Valley Mining Company;

No. 81, An Act to incorporate the Prickly Pear, Deer Lodge and Silver Bow Wagon Road Company;

No. 92, An Act to incorporate the Alki Town Company;

No. 95, An Act to incorporate the Eureka Gold and Silver Mining Company;

Also, Joint Resolution No. 7, in reference to the war.

Respectfully yours,

SIDNEY EDGERTON, *Governor.*

EXECUTIVE OFFICE, BANNACK CITY, }  
February 3, 1865. }

*To the Hon. President of Council:*

SIR:—I have this day approved Council Bill No. 122, An Act entitled an act supplemental to an act to provide for the expense of Montana Territory.

SIDNEY EDGERTON, *Governor.*



Mr. WORDEN introduced Council Bill No. 124, An Act to incorporate the Montreal Town Company;

Which was read the first and second times, and referred to Committee on Towns and Counties.

Mr. THOMPSON offered the following resolution :

*Resolved*, By the Council, the House of Representatives concurring, that whereas John S. Lott has been appointed by the Governor Territorial Auditor, and John J. Hull Territorial Treasurer, that the said persons are hereby declared elected to said offices respectively, and shall hold said offices until others are elected or appointed in their places, and shall give such bonds and securities as are required by law.

Resolution was read the first time, and on motion of Mr. BAGG was laid on the table.

Mr. THOMPSON, of Judiciary Committee, made the following report :

Mr. PRESIDENT : — Your Committee have had under consideration House Bill No. 111, An Act concerning the foreclosure of mortgages, and report it back without amendment.

House Bill No. 108, An Act to incorporate the Ottawa Mining Company;

On motion of Mr. BAGG, the words "fee simple" were stricken out, and bill was read the third time, and passed by the following vote :

In the affirmative—Messrs Merriman, Potter, Thompson, Worden and Mr. President.

In the negative — Mr. Bagg.

House Bill No. 110, An Act to incorporate the Madison County Mining Company, was, on motion of Mr. BAGG, recommitted to Committee on incorporations.

House Bill No. 112, An Act concerning fugitives from justice;

Was read the third time and passed by the following vote :

In the affirmative — Messrs. Potter, Worden, and Mr. President.

In the negative, none.

House Bill No. 114, An Act to incorporate the Silver Bow Ditch Company;

On motion of Mr. BAGG, the rules were suspended, and bill was read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Merriman, Potter, Worden and Mr. President.

In the negative, none.

Council Bill No. 123, An Act to incorporate the Prickley Pear Gold and Silver Mining Company;

On motion of Mr. BAGG, the rules were suspended, bill read third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Merriman, Potter, Worden, and Mr. President.

In the negative, none.

Mr. MERRIMAN, from Committee on Enrollment, made the following report:

Mr. PRESIDENT:—Your Joint Committee on Enrollment have examined and found correctly enrolled, Joint Resolution No. 8, relating to the codification of laws;

Also, Council Bill No. 86, An Act to incorporate the Eureka Coal Mining and Manufacturing Company;

Also, Council Bill No. 97, An Act defining the time for acts and joint resolutions to take effect;

Also, Council Bill No. 62, An Act to provide for the compensation of B. B. Burchett for services rendered the Territory;

Also, Council Bill No. 107, An Act to incorporate the Silver Bow Town Company;

Also, Council Bill No. 108, An Act to change the name of the town of Montana City to Prickly Pear, and to incorporate the same.

N. MERRIMAN, *on part of the Council.*

On motion of Mr. BAGG, the Council adjourned until this afternoon at two o'clock.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Bagg and Leavitt.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
February 4, 1865. }

*To the Honorable President of the Council :*

SIR : — The House passed this day the following bills :

Council Bill No. 40, An Act creating certain offices, &c. ;

House Bill No. 115, An Act to provide compensation for Harry Burns, &c. ;

House Bill No. 24, An Act to establish a wagon road from the waters of Grasshopper Creek to Wordensville ;

House Bill No. 98, An Act authorizing Oliver Sotsenhiger to establish a ferry across the Missouri River ;

House Bill No. 118, An Act to incorporate the Dakota Mining Company.

The above named bills are herewith transmitted to the Council.

WM. L. BROWN, *Clerk.*

Council Bill No. 101, An Act to provide for the stay of procedure on foreign indebtedness passed without amendment ;

Also, Council Bill No. 113, An Act to incorporate the Prickly Pear Gold and Silver Mining Company.

Which were approved.

Mr. MERRIMAN, of Committee on Enrollment, made the following report :

Mr. PRESIDENT : — Your Committee have examined and found correctly enrolled Council Bill No. 82, An Act to incorporate the Bannack Gold and Silver Mining Company ;

Also, Council Bill No. 113, An Act to incorporate the Helena Wagon Road Company.

Mr. THOMPSON, of Select Committee, made the following report :

Mr. PRESIDENT : — As a member of the Select Committee upon a Territorial Seal, I beg leave to offer the following resolution :

*Resolved*, By the Council, the House of Representatives concurring, That the Territorial Seal shall, as a central group, represent a plow, a miner's pick and shovel ; upon the right, a representation of the Great Falls of the Missouri ; upon the left, mountain scenery ; underneath, as a motto, the words " Oro el Plata." The Seal shall be two inches in diameter, and surrounded by the words " The Seal of the Territory of Montana."

F. M. THOMPSON, *Chairman*.

On motion of Mr. POTTER, the report was laid on the table until to-morrow morning.

Mr. POTTER introduced Council Bill No. 125, An Act relating to gulch, hill and placer mines ;

Which was read the first and second times, and on motion of Mr. BAGG, the rules were suspended, the bill was read the third time, by its title, and passed by the following vote :

In the affirmative — Messrs Bagg, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

The consideration of messages from the House being the order, the Council refused to concur in House amendments to Council Bill No. 112.

The House amendments to Council Bill No. 79 were concurred in.

The House amendments to section 1, of Council Bill No. 93 were concurred in ; the amendments to section 3 were not concurred in, and

On motion of Mr. POTTER, a Committee of two was appointed to confer with a like Committee from the House on amendments to said bill.

The President appointed as such Committee Messrs. Potter and Merriman.

House Bill No. 96, An Act to incorporate the Sinni Bridge Company ;

Was read the first and second times, and referred to the Committee on Incorporations.

House Bill No. 117, An Act supplemental to An Act entitled An Act to provide increased compensation to officers of this Territory.

Was read the first and second times and referred to Committee on Ways and Means.

Council Bill No. 111, An Act to incorporate the Virginia City Gold and Silver Mining Company ;

Was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

Mr. WORDEN, from Committee on Engrossment and Enrollment, report they they have examined, and found correctly engrossed, Council Bill No. 118, An Act to incorporate the Madison County Coal Company.

On motion of Mr. POTTER, the Council adjourned until Monday morning at 10 o'clock.

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### MONDAY, FEBRUARY 6, 1865.

The Council met pursuant to adjournment.

President in the chair.

Roll called.

All the members present.

The Journal of Saturday was read and approved.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
February 6, 1865. }

*To the Hon. President of the Council :*

SIR : — The House passed on February 4th the following bills :

Council Bill No. 74, An Act to increase the number of members



of the Council and House of Representatives, was amended, which amendments are herewith transmitted ;

Council Bill No. 31 passed with amendments, which are transmitted with the said bill ;

Council Bill No. 117, An Act to incorporate the Boulder Town Company, passed without amendment ;

House Bills No. 106, 73, 72 and 71 passed, and are herewith transmitted to you for the approval of the Council.

WM. L. BROWN, *Clerk.*

Mr. MERRIMAN, of Committee on Enrollment, reports that they have examined, and found correctly enrolled, Council Bill No. 38, An Act establishing a common school system ;

Also, Council Bill No. 104, An Act to incorporate the American Gold and Silver Mining Company ;

Also, Council Bill No. 105, An Act to incorporate the Upper Missouri River Steamboat Navigation Company ;

Also, Council Bill No. 106, An Act to incorporate the Stinking Water Ditch Company.

Mr. THOMPSON, of a Joint Committee, made the following report :

Mr. PRESIDENT : — Your Joint Committee to whom was assigned the duty of ascertaining the mileage and pay of members, clerks and attaches of the Assembly, beg leave to report the following tabular statement for the consideration of the Council.

Signed,            F. M. THOMPSON, *on part of the Council,*  
                      — BELL, *on part of the House,*  
                      — COURTWRIGHT, *on part of the House.*

# TERRITORY OF MONTANA.

MONDAY, FEBRUARY 6.

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Names.	Office.	Residence.	Miles.	Ter. Mileage.	U. S. Mileage.	Days.	Ter. Pay.	U. S. Pay.	Total U. S.	Total Ter.
R. Lawrence,	President,	Virginia City,	100	\$40	\$32	60	\$720	\$480	\$512	\$760
C. S. Bagg,	Council,	do.	160	40	32	60	720	240	272	760
A. S. Potter,	do.	do.	160	40	32	60	720	240	272	760
E. D. Leavitt,	do.	Bannack,				60	720	240	240	720
F. M. Thompson,	do.	do.				60	720	240	240	720
N. Merriman,	do.	Jefferson City,	360	90	72	60	720	240	312	810
F. L. Worden,	do.	Hell Gate,	400	100	80	60	720	240	320	820
George A. Haynes,	Chief Clerk,	Bannack,				60	660	240	240	660
F. H. Angevine,	Assistant Clerk,	Virginia City,	160	40		60	660	180	180	700
T. J. Hosford,	do.	Bannack,				60	720		180	720
R. Hereford,	Enrolling Clerk,	Virginia City,	160	40		60	660	180		700
C. E. Irvine,	Assistant Clerk,	Brandon,	120	30		46	552			582
I. M. Galloway,	do.	Bannack,				53	636			636
John C. Ryan,	Engross'g Clerk,	Virginia City,	160	40		60	660	180	180	700
O. T. Hart,	Assistant Clerk,	Bannack,				53	636			636
H. G. Otis,	Serg't at Arms,	do.				60	540	180	180	540
H. Gilman,	Door Keeper,	do.				60	420	180	180	420
S. Chamberlain,	Fireman,	do.				60	720			720
W. P. Edgerton,	Page,	do.				60	300			300

House Bills on first reading :

House Bill No. 24, An Act to establish a wagon road from the waters of Grasshopper Creek to Wordensville ;

Bill was read the first and second times, and on motion of Mr. WORDEN was amended by striking out the word "Wordensville" wherever it occurs, and insert "Hell Gate" in lieu thereof.

On motion of Mr. MERRIMAN the rules were suspended, and bill read the third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 98, An Act authorizing Oliver Lotsenhiser to establish a ferry across the Missouri River ;

Was read the first and second times, and referred to the Committee on Incorporations.

House Bill No. 115, An Act to provide compensation for Harry Burns in preparing civil and criminal code of Montana Territory ;

Was read the first time and laid on the table.

House Bill No. 118, An Act to incorporate the Dakota Mining Company ;

Was read the first and second times, and referred to Committee on Incorporations.

Mr. MERRIMAN made the following report :

Mr. PRESIDENT : — Your Committee to whom was referred Council Bill No. 109, regulating fees of officers, beg leave to report that they have had the same under consideration, and report the same back and recommend its passage.

Council Bill No. 109, An Act regulating fees of officers ;

On motion of Mr. BAGG, the rules were suspended, bill read the third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

Mr. THOMPSON, of Committee on Ways and Means, made the following report :

Mr. PRESIDENT:—Your Committee on Ways and Means have had under consideration a bill entitled supplemental to Council Bill No. 45, and recommend the passage of the same.

House Bill No. 117, An Act supplemental to an act to provide increased compensation to officers of this Territory ;

On motion of Mr. BAGG the bill was read the third time by its title, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Thompson, Worden and Mr. President.

In the negative—Mr. Potter.

Mr. THOMPSON introduced Council Bill No. 126, An Act amendatory to an act entitled an act concerning conveyances ;

Which was read the first and second times, and on motion of Mr. MERRIMAN the rules were suspended, the bill read the third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

Council Bill No. 112, An Act concerning fugitives from justice ;

Was, on motion of Mr. POTTER, taken up, and the amendments of the House to said bill were not concurred in.

Council Bill No. 74, An act to increase the number of members in the Council and House of Representatives, and to apportion the Territory into Council and Representative Districts ;

On motion of Mr. BAGG, that the Council refuse to concur in the House amendments to said bill, the ayes and noes being demanded, the following was the result :

In the affirmative — Messrs. Bagg, Leavitt, Potter, and Mr. President.

In the negative—Messrs. Merriman, Thompson and Worden.

So the amendments were not concurred in.

The following message was received from the Governor :

EXECUTIVE OFFICE, BANNACK CITY, {  
February 6, 1865. }

*To the Honorable President of the Council :*

SIR : — I have this day approved the following Council Bills, viz :

No. 61, An Act providing for the collection of revenue ;

No. 62, An Act to provide for the compensation of B. B. Burchett, for services rendered the Territory ;

No. 86, An Act to incorporate the Eureka Coal Mining and Manufacturing Company ;

No. 97, An Act defining the time for acts and joint resolutions to take effect ;

No. 107, An Act to incorporate the Silver Bow Town Company ;

No. 108, An Act to change the name of the town of Montana City to Prickly Pear, and to incorporate the same ;

No. 113, An Act to incorporate the Helena Wagon Road Company ;

Also, Joint Resolution No. 8, relating to the codification of the laws.

Respectfully yours,

SIDNEY EDGERTON, *Governor.*

On motion of Mr. LEAVITT, a Committee of two were appointed to confer with a similar Committee to be appointed on the part of the House, on Council Bill No. 74 ;

Whereupon the President appointed Messrs. Bagg and Thompson as said Committee on the part of the Council.

On motion of Mr. POTTER the Council concurred in House amendments to Council Bill No. 31, An Act relating to counties and county officers, except amendments to article 1, section 10, line sixteen, striking out all of said line after " 1865," and insert " in all organized counties," which was not concurred in.

On motion of Mr. LAWRENCE, the Council adjourned untill this afternoon at 2 o'clock.



## AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Leavitt.

Mr. MERRIMAN, of Committee on Enrollment, made the following report:

Mr. PRESIDENT: — Your Joint Committee on Enrollment have examined and found correctly enrolled Council Bill No. 2, An Act to locate the seat of government of Montana Territory;

Also, Council Bill No. 100, An Act concerning divorce and alimony;

Also, Council Bill No. 103, An Act to incorporate the Prickly Pear Gold and Silver Mining Company.

N. MERRIMAN, *on part of the Council.*

House Bills on first reading:

House Bill No. 71, An Act to dissolve the bonds of matrimony between William Gibson and Elizabeth O. Gibson;

Read the first and second times, and on motion of Mr. THOMPSON to suspend the rules, the ayes and noes being demanded, the following was the result:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, and Thompson.

In the negative — Messrs. Potter, Worden, and Mr. President.

So the rules were suspended and bill read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Thompson, Worden, and Mr. President.

In the negative — Leavitt, Merriman, and Potter.

House Bill No. 72, An Act to dissolve the bonds of matrimony between Charles Bartholamew and Esther Bartholamew;

On motion of Mr. BAGG, the rules were suspended, and bill was read the first, second and third times by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Thompson, Worden and Mr. President.

In the negative — Messrs. Leavitt Merriman, and Potter.

House Bill No. 73, An Act to dissolve the bonds of matrimony between George C. Howard and Nancy G. Howard;

Was read the first and second times; and on motion of Mr. BAGG, the rules were suspended and bill read the third time by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Thompson, Worden and Mr. President.

In the negative — Messrs. Leavitt, Merriman and Potter.

House Bill No. 116, An Act to dissolve the bonds of matrimony between Henry C. Wright and Margaret A. Wright;

On motion of Mr. BAGG, the rules were suspended, and bill was read the first, second and third times by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Thompson, Worden and Mr. President.

In the negative — Messrs. Leavitt, Merriman and Potter.

Mr. BAGG introduced Council Bill No. 127, An Act dissolving the bonds of matrimony between James R. Biglow and Maria E Biglow;

Which was read the first and second times, and on motion of Mr. BAGG, the rules were suspended, the bill was read the third time, by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Thompson, Worden and Mr. President.

In the negative — Messrs. Merriman and Potter.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was referred House Bill No 91, An Act to incorporate the Sinni Bridge Company, and House Bill No. 98, An Act authorizing Oliver Lotsen-

hiser to establish a ferry across the Missouri River, have had the same under consideration, and beg leave to report them back without amendment.

House Bill No. 96, An Act to incorporate the Sinni Bridge Company;

On motion of Mr. BAGG, the rules were suspended, bill read third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 98, An Act authorizing Oliver Lotsenhiser to establish a ferry across the Missouri River ;

On motion of Mr. BAGG, the rules were suspended, and the bill read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

Council Joint Resolution No. 10, declaratory of the duty of the commissioners of Madison County ;

On motion of Mr. BAGG, the rules were suspended, and bill was read the second and third times by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter and Worden.

In the negative — Mr. Thompson and Mr. President.

Mr. THOMPSON introduced the following Joint Resolution :

*Resolved*, That the Territorial Auditor be instructed to issue his warrants to members, clerks and attaches of the Legislative Assembly according to the report of the Joint Committee upon pay and milage.

Which was adopted.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }  
February 6, 1865. }

*To the Honorable President of the Council:*

SIR: — The House passed the following bills:

Council Bill No. 90, An Act to incorporate the Montana Quick-silver Company;

Council Bill No. 83, An Act to incorporate the Montana Bridge Company;

Council Bill No. 120, An Act to incorporate the Phoenix Gold and Silver Mining Company;

Council Bill No. 121, An Act to incorporate the Kalida Gold and Silver Mining Company;

Council Bill No. 123, An Act to incorporate the Ophir and Flat Head River Wagon Road Company, passed with amendments, which are attached to the bill as transmitted;

Council Bill No. 102, An Act to incorporate the Norwegian Gulch Ditch Company, was amended by changing the time for which the charter is given from fifty to ten years;

Council Bills No. 116 and 91 were indefinitely postponed.

The above named Council Bills are herewith returned to the Council.

House Bills No. 122, 119 and 120 passed, and are transmitted to the Council for the approval of the same.

In accordance with the request of the Council, Messrs. Johnson, Huffaker and Courtwright were appointed a Committee on the part of the House to confer with the Council Committee on Council Bill No. 93.

WM. L. BROWN, *Clerk.*

On motion of Mr. BAGG, the Council adjourned until tomorrow morning at 10 o'clock.

## TUESDAY, FEBRUARY 7, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Messrs. Potter and Worden.

On motion of Mr. POTTER, the reading of the Journal was suspended until to-morrow morning.

Mr. BAGG, of Committee of Conference, made the following report :

Mr. PRESIDENT :—The undersigned, one of the Committee of Conference appointed to confer with the House Committee having under consideration Council Bill No. 74, relating to the apportionment of members of the Assembly, have conferred with said Committee, and beg leave to report that the Committee could not agree.

CHAS. S. BAGG.

Council Bill No. 102, An Act to incorporate the Norwegian Gulch Ditch Company ;

On motion of Mr. POTTER, the Council concurred in House amendment to said bill.

On motion of Mr. MERRIMAN, the Council concurred in House amendment to Council Bill No. 123.

Mr. MERRIMAN, of Committee on Enrollment, made the following report :

Mr. PRESIDENT :—Your Joint Committee on Enrollment have examined, and found correctly enrolled, Council Bill No. 101, An Act to provide for stay of procedure on foreign indebtedness ;

Also, Council Bill No. 40, An Act creating certain officers, declaring to whom resignations shall be made, when offices shall be deemed vacant, and the manner of filling vacancies.



House Bill No. 106, An Act defining the judicial districts of Montana Territory;

Was read the first and second times, and on motion of Mr. POTTER, was referred to Judiciary Committee.

House Bill No. 119, An Act to incorporate the Grasshopper Drain Ditch Company;

Was read the first and second times, and on motion of Mr. LEAVITT, the rules were suspended, and bill read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 120, An Act to incorporate the Montana Excelsior No. 2 Gold and Silver Mining Company;

Was read the first and second times, and referred to Committee on Incorporations.

House Bill No. 122, An Act to authorize the county commissioners to pay interest on county warrants;

Was read the first and second times, and referred to Judiciary Committee.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 118, An Act to incorporate the Dacotah Mining Company, have had the same under consideration, and beg leave to report it back without amendment.

House Bill No. 118, An Act to incorporate the Dacotah Mining Company;

Was read the first and second times, and committed to Committee on Incorporations.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee, to whom was recommended House Bill No. 118, An Act to incorporate the Dacotah

Mining Company, have considered the same, and suggest the following amendment, to wit:

Wherever the word "Dacotah" appears, strike it out and insert in lieu thereof the word "Orofino."

Report was accepted and amendment adopted.

House Bill No. 118, was taken up, on motion of Mr. LEAVITT, and read the third time, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. MERRIMAN, from Committee on Enrollment, made the following report:

Mr. PRESIDENT:—Your Committee have examined and found correctly enrolled Council Bill No. 117, An Act to incorporate the Boulder Town Company.

Mr. BAGG introduced Council Joint Resolution No. 10, relating to the repeal of the laws of Idaho;

Which was read the first and second times, and on motion of Mr. BAGG, the rules were suspended, and bill was read the third time by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, and Thompson.

In the negative—Mr. Worden and Mr. President.

On motion of Mr. LAWRENCE, Council Bill No. 118 was taken from the table and read the third time, and

On motion of Mr. POTTER, was laid on the table.

On motion of Mr. BAGG, Council Bill No. 106 was taken from the table and indefinitely postponed.

Mr. POTTER, of Committee on Towns and Counties, made the following report:

Mr. PRESIDENT:—Your Committee on Towns and Counties, to whom was referred Council Bill No. 124, An Act to incorporate the Montreal Town Company, beg leave to report that they have had said bill under consideration, and would recommend the following amendment:

Wherever the names of John B. Lorain and John Gunn appear, the same shall be stricken out and the names of John Frazier and James Reed be inserted in lieu thereof.

Report was accepted and amendment adopted.

On motion, Council Bill No. 124, was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Worden, and Mr. President.

In the negative — Mr. Thompson.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }  
February 7, 1865. }

*To the Hon. President of the Council :*

SIR : — The House passed this day the following bills :

House Bill No. 126, An Act to provide for contested elections ;

House Bill No. 131, An Act apportioning the members of the Legislative Assembly of the Territory of Montana ;

House Bill No. 129, An Act concerning joint rights and obligations ;

House Bill No. 128, An Act to provide for vacancies in the Legislature.

The said bills are herewith transmitted to you for the approval of the Council.

WM. L. BROWN, *Clerk.*

The following message was received from the Governor :

EXECUTIVE OFFICE, BANNACK CITY, }  
February 6, 1865. }

*To the Hon. President of the Council :*

SIR : — I have this day signed Council Bills No. 2, An Act to locate the seat of government of Montana Territory ;

No. 82, An Act to incorporate the Bannack Gold and Silver Mining Company ;

No. 100, An Act concerning divorce and alimony ;

No. 103, An Act to incorporate the Prickly Pear Gold and Silver Mining Company ;

No. 105, An Act to incorporate the Upper Missouri River Steamboat Navigation Company;

No. 104, An Act to incorporate the American Gold and Silver Mining Company of Montana;

No. 106, An Act to incorporate the Stinking Water Ditch Company;

No. 38, An Act establishing a common school system for the Territory of Montana.

Respectfully,

SIDNEY EDGERTON, *Governor.*

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee on Incorporations to whom was referred House Bill No. 120, An Act to incorporate the Montana Excelsior No. 2 Gold and Silver Mining Company, have considered the same, and beg leave to report it back with the following amendment, to wit:

Strike out the first part of section 8, as far as to the words "to construct," 8th line, and prefix to the words "to construct" "said company shall have power."

E. D LEAVITT, *Chairman.*

Report was accepted, and amendment adopted.

House Bill No. 120;

On motion, of Mr. BAGG, the rules were suspended, and bill read the third time by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson and Worden.

In the negative, none.

House Bill No. 126, An Act to provide for contested elections;

On motion of Mr. BAGG, the rules were suspended, bill read the first and second times by its title, and referred to Committee on Elections.

House Bill No. 128, An Act to provide for vacancies in the Legislature;

Was read the first and second times, and on motion of Mr.

LAWRENCE, the rules were suspended, and bill read the third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

House Bill No. 129, An Act concerning joint rights and obligations ;

Was read the first and second times, and on motion of Mr. LAWRENCE, the rules were suspended, and bill read the third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson and Mr. President.

In the negative — Mr. Worden.

House Bill No. 131, An Act apportioning the members of the Legislature of Montana Territory ;

Was read the first and second times, and on motion of Mr. LEAVITT the rules were suspended, and bill read the third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Potter, Worden, and Mr. President.

In the negative — Messrs. Merriman and Thompson.

On motion of Mr. LEAVITT that the vote on House Bill No. 131 be reconsidered ;

Mr. BAGG moved to lay the motion for reconsideration on the table ;

Which was adopted.

On motion of Mr. BAGG, the Council adjourned until this afternoon at two o'clock.



## AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Mr. LEAVITT, of the Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 110, An Act to incorporate the Madison County Mining Company, have had the same under consideration, and beg leave to report it back with the following amendment, to wit: strike out all of section six.

The report was accepted and amendment adopted.

Mr. THOMPSON introduced Council Joint Resolution No. 11, in reference to terms of court in the Second Judicial District;

Which was read the first and second times, and on motion of Mr. BAGG the rules were suspended, and bill was read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. THOMPSON, of Judiciary Committee, reported favorably on House Bill No. 122.

On motion of Mr. BAGG, House Bill No. 122 was taken up, rules suspended, and bill read the third time by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative—Mr. Potter.

On motion of Mr. BAGG, House Bill No. 116 was taken from the table, and on motion that said bill be indefinitely postponed, the ayes and noes being demanded, the following was the result:

In the affirmative—Mr. Bagg and Mr. President.

In the negative—Messrs. Leavitt, Merriman, Potter, Thompson and Worden.

So the bill was not indefinitely postponed.

On motion of Mr. POTTER the bill was laid on the table.

Mr. MERRIMAN introduced Council Joint Resolution No. 12, in reference to holding terms of court in the third judicial district;

Which was read the first and second times, and on motion of Mr. POTTER, the rules were suspended, and the resolution was read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Worden, and Mr. President.

In the negative — Mr. Thompson.

On motion of Mr. POTTER, the vote on Council Joint Resolution No. 12 was reconsidered, and the resolution was amended by striking out "August" and inserting "July," when,

On motion of Mr. POTTER, the rules were suspended, and bill read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Worden, and Mr. President.

In the negative — Mr. Thompson.

On motion of Mr. THOMPSON, the Council adjourned until to-morrow morning at 10 o'clock.

## WEDNESDAY, FEBRUARY 8, 1865.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Bagg.

Journal of February 6th read and approved.

Mr. BAGG introduced Council Bill No. 128, An Act relating to imprisonment for debt;

Which was read the first and second times, and on motion of Mr. BAGG, the rules were suspended, bill read the third time by its title, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

The following message was received from the House.

HOUSE OF REPRESENTATIVES, {  
February 8, 1865. }

*To the Hon. President of the Council:*

SIR: — The House passed, this day, the following bills:

House Bill No. 136, An Act to incorporate the California Mining Company;

House Bill No. 140, An Act to dissolve the bonds of matrimony existing between H. S. Mayer and Abigail Mayer, his wife;

House Bill No. 139, An Act to incorporate the Jefferson Bridge Company;

House Bill No. 138, An Act amendatory to an act;

House Bill No. 137, An Act to dissolve the bonds of matrimony existing between Peter Greenish and E. Greenish, his wife;

Council Bill No. 109, An Act relating to the fees of officers, &c., was passed with an amendment, which is attached to the bill;

Council Joint Resolution No. 11 passed with amendments, which are inserted in the resolution.

The following resolution passed the House :

*Resolved*, That the Council be invited to meet the House in Joint Convention to-morrow morning at 10 o'clock, to elect a Territorial Auditor and Treasurer and Superintendent of Public Instruction.

The House did not recede from their amendments to Council Bill No. 125.

WM. L. BROWN, *Clerk*.

Mr. LEAVITT introduced Council Bill No. 129, An Act to incorporate the Grasshopper Canon Road Company ;

Which was read the first and second times, the rules were suspended, and bill read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter and Worden.

In the negative — Mr. Thompson and Mr. President.

Council Bill No. 125, An Act relating to gulch, hill and placer diggings ;

On motion of Mr. POTTER, the Council refused to agree in House amendments to said bill.

Mr. POTTER offered the following resolution :

*Resolved*, By the Legislative Council of the Territory of Montana, That the House of Representatives be requested to recede from its amendments to Council Bill No. 125.

Which was adopted.

On motion of Mr. BAGG, Council Bill No. 118, was taken from the table and read third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. POTTER, Council Bill No. 115 was taken up, whereupon

Mr. POTTER offered the following amendment :

Strike out the words "seven hundred and eighty-four" before the word "dollars," in section 1, and insert the words "five hundred" in lieu thereof.

Which was not adopted.

Bill read the third time, and was rejected by the following vote :  
In the affirmative, none.

In the negative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

House Bill No. 12, An Act to incorporate the Junction and Black Tail Deer Creek Wagon Road Company ;

Was read the third time, and on motion of Mr. WORDEN, was rejected.

House Bill No. 103, An Act concerning licenses, was read first and second times.

Mr. POTTER offered the following amendments :

Strike out the last three lines of section 1 ; also, strike out section 4

Adopted.

Bill read the third time and passed by the following vote :

In the affirmative — Messrs. Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative — Messrs. Bagg and Potter.

Mr. MERRIMAN, from Committee on Enrollment, made the following report :

Mr. PRESIDENT:—Your Joint Committee have examined and found correctly enrolled, Council Bill No. 90, An Act to incorporate the Montana Quicksilver Company ;

Also, Council Bill No. 120, An Act to incorporate the Phoenix Gold and Silver Mining Company ;

Also, Council Bill No. 121, An Act to incorporate the Kalida Gold and Silver Mining Company ;

Also, Council Bill No. 123, An Act to incorporate the Ophir and Flat Head River Wagon Road Company.

N. MERRIMAN, *on the part of the Council.*

House Bill No. 130, An Act defining the duties of the Territorial Auditor and Treasurer ;



Was read the first and second times, and on motion of Mr. LEAVITT the rules were suspended, bill read third time by its title, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. MERRIMAN, from Committee on Enrollment, reported as follows :

Mr. PRESIDENT :—Your Joint Committee on Enrollment have had under consideration Council Bill No. 31, An Act relating to counties and county officers, as per verbal report of the enrolling clerks, and report the same correctly enrolled.

N. MERRIMAN, *on the part of the Council.*

House Bill No. 133 was read first and second times, and referred to the Judiciary Committee.

House Bill No. 135 was read first and second times, and referred to the Judiciary Committee.

House Bill No. 134 was read first and second times, and referred to the Judiciary Committee.

House Bill No. 110, An Act to incorporate the Madison County Mining Company ;

Was read the third time, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

On motion of Mr. LEAVITT, the Council adjourned, until this afternoon at 2 o'clock.

## AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

On motion of Mr. BAGG, a Committee of Conference was appointed to confer with a like Committee from the House in reference to Council Bill No. 125.

The President appointed Messrs. Bagg and Merriman said committee

Mr. THOMPSON, of the Judiciary Committee, made the following report:

Mr. PRESIDENT:—Your Committee have had under consideration House Bill No. 134, granting relief to tax payers, and report it back to the Council, recommending its passage.

House Bill No. 134 was, on motion of Mr. WORDEN, taken up and read the third time.

On motion of Mr. POTTER, section 1 was amended by inserting the words "or license" after the word "tax," wherever it may occur, and the bill passed by the following vote:

In the affirmative — Messrs. Leavitt, Merriman, Potter and Thompson.

In the negative — Mr. Worden and Mr. President.

Mr. THOMPSON submitted the following report:

Mr. PRESIDENT:—The Committee have had under consideration House Bill No. 133, An Act to provide for the formation of partnerships, and recommend its passage.

F. M. THOMPSON.

On motion of Mr. MERRIMAN, House Bill No. 133 was taken up, read third time, and passed by the following vote:

In the affirmative — Messrs. Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

On motion of Mr. POTTER, the vote on House Bill No. 115 was reconsidered.

Mr. POTTER offered the following amendment :

Strike out the words "seven hundred and eighty-four" before the word "dollars," in section 1, and insert the words "four hundred" in lieu thereof.

Which was adopted.

The bill was read the third time, and passed by the following vote :

In the affirmative — Messrs. Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, {  
February 8, 1865. }

*To the Honorable President of the Council :*

SIR: — The House passed on the 7th inst. House Bill No. 103, An Act concerning licenses ;

House Bill No. 135, An Act relating to the support of the poor ;

House Bill No. 133, An Act to provide for the formation of partnerships ;

House Bill No. 130, An Act defining the duties of the Territorial Auditor and Treasurer of Montana Territory ;

House Bill No. 134, An Act granting relief to tax payers ;

House Bill No. 12, An Act to incorporate the Junction and Black Tail Deer Creek Wagon Road Company.

The above named bills are herewith transmitted to the Council for its approval.

The following Council Bills also passed the House :

Council Bill No. 127, An Act dissolving the bonds of matrimony existing between James R. Biglow and Maria W. Biglow ;

Council Joint Resolution No. 10 ;

Council Bill No. 125 passed with amendments, which are with the bill transmitted;

Also Council Bill No. 124, An Act to incorporate the Montreal Town Company;

The House receded from its amendments to Council Bill No. 31, An Act relating to counties and county officers;

The amendments of the Council to House Bill No. 118 were concurred in;

Also, the amendments to House Bill No. 119 were concurred in;

The resolution of the Council instructed the Territorial Auditor to issue his warrants in favor of members and attaches of the Legislative Assembly according to the report on the Committee on pay and mileage.

The House also passed the following resolution:

*Resolved*, By the House of Representatives, the Council concurring, that the Territorial Auditor be requested to draw his warrant in favor of A. J. Oliver, for the sum of twenty-three dollars, for the newspapers furnished the House of Representatives.

Joint Resolution No. 9 was indefinitely postponed.

WM. L. BROWN, *Clerk*.

Mr. MERRIMAN, from Joint Committee on Enrollment, made the following report:

Mr. PRESIDENT:—Your Committee on Enrollment have examined and found correctly enrolled Council Bill No. 70, An Act to incorporate the Gallatin Valley Ditch Company;

Also, Council Bill No. 83, An Act to incorporate the Montana Bridge Company;

Also, Council Joint Resolution No. 10, relating to the repeal of the laws of Idaho Territory.

House Joint Resolution in favor of A. J. Oliver was taken up, and Mr. THOMPSON offered the following amendment in favor of A. J. Oliver for papers, \$29.00, and D. W. Tilton & Co., for papers furnished the Council, \$35.00.

Mr. LEAVITT moved to amend by inserting \$7.50 in lieu of \$35.00;

Which was adopted.

House Bill No. 72 was reconsidered, on motion of Mr. POTTER, who offered the following amendments: strike out of section 9 all the words between and including the word provided in the nineteenth line;

Which was adopted, and bill read third time, and the bill passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Potter and Worden.

In the negative—Messrs. Merriman, Thompson and Mr. President.

House Bill No. 139, An Act to incorporate the Jefferson Bridge Company;

Read first and second times, and on motion of Mr. BAGG referred to Committee on Incorporations.

House Bill No. 140, An act to dissolve the bonds of matrimony existing between Henry D. Mayer and Abigail Mayer, his wife, was read first and second times, and on motion of Mr. MERRIMAN to indefinitely postpone, the ayes and noes being demanded, the motion was lost by the following vote:

In the affirmative—Messrs. Merriman and Potter.

In the negative—Messrs. Bagg, Leavitt, Thompson, and Mr. President.

The bill then passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Thompson, and Mr. President.

In the negative—Messrs. Merriman and Potter.

House Bill No. 138 was read first and second times, and on motion of Mr. BAGG was referred to Committee on Incorporations.

House Bill No. 137, An Act to dissolve the bonds of matrimony between Peter Greenish and Mrs. E. Greenish, his wife;

Read first and second times, and on motion of Mr. BAGG the rules were suspended, bill read the third time and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Thompson, Worden, and Mr. President.

In the negative—Messrs. Merriman and Potter.



House Bill No. 136, An Act to incorporate the California Mining Company;

Was read the first and second times, and referred to Committee on Incorporations.

Council Bill No. 109, An Act to regulate the fees of officers, jurors and witnesses;

The amendments of the House were concurred in.

The following message from the House of Representatives was received :

HOUSE OF REPRESENTATIVES, }  
February 8, 1865. }

*To the Hon. President of Council :*

SIR : — The House passed the following bills :

House Bill No. 116, An Act relating to forms ;

House Bill No. 142, An Act concerning the partition of real estate ;

House Bill No. 141, An Act to compensate Chas. H. Sackett ;

Council Bill No. 118, An Act to incorporate the Madison County Coal Company ;

Council Bill No. 128, An Act relating to imprisonment for debt ;

House Bill No. 143, An Act concerning fraudulent conveyances and contracts ;

Council Bill No. 129, An Act to incorporate the Grasshopper Canon Road Company ;

Council Bill No. 126, An Act amendatory to an act entitled an act concerning conveyances ;

The House concurred in the Council amendments to House Bill No 103 ; also, to House Bill No. 110.

WM. L. BROWN, *Clerk.*

Mr. THOMPSON, of Judiciary Committee, made the following report :

Mr. PRESIDENT : — Your Committee, to whom was referred House Bill No. 135, report the same back without amendment, and recommend its passage.

F. M. THOMPSON, *Chairman.*

House Bill No. 135, An Act relating to the support of the poor ;

Was read the third time, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative, none.

Joint Resolution No. 12; amendments of the House concurred in.

Mr. MERRIMAN, of Committee on Enrollment, made the following report :

Mr. PRESIDENT: — Your Joint Committee on Enrollment have examined and found correctly enrolled Council Bill No. 124, An Act to incorporate the Montana Town Company ;

Also, Council Bill No. 127, An Act to dissolve the bonds of matrimony between J. R. Biglow and Maria W. Biglow.

Mr. LEAVITT, of Committee on Incorporations, made the following report :

Mr. PRESIDENT: — Your Committee on Incorporations beg leave to report that they have had under consideration House Bill No. 136, An Act to incorporate the California Mining Company, and beg leave to report it back without amendmet.

On motion, of Mr. WORDEN, the rules were suspended, and House Bill No. 136 was read the third time by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Thompson, Worden, and Mr. President.

In the negative — Mr. Potter.

House Bill No. 142, An Act concerning partitions of real estate ;

Was read the first and second times, and on motion of Mr. POTTER, the rules were suspended, and bill read the third time, and passed by the following vote :

In the affirmative — Messrs. Leavitt, Merriman, Potter, Worden and Mr. President.

In the negative, none.

On motion of Mr. POTTER, the rules were suspended, and

House Bill No. 116, was read the first, second and third times by its title, and passed by the following vote :

In the affirmative — Messrs. Leavitt, Potter, Merriman, Thompson, Worden and Mr. President.

In the negative — Mr. Bagg.

House Bill No. 143, An Act concerning fraudulent conveyances and contracts.

On motion of LAWRENCE, the rules were suspended, bill read first, second and third times, and passed by the following vote :

In the affirmative — Messrs. Leavitt, Merriman, Potter, Thompson, and Mr. President.

In the negative, none.

House Bill No. 141, An Act granting compensation to C. H. Sackett was read first and second times, and on motion the rules were suspended, and bill read third time by its title, and passed by the following vote :

In the affirmative — Messrs. Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

Mr. LEAVITT, of the Committee on Incorporations, made the following report :

Mr. PRESIDENT : — Your Committee on Incorporations to whom was referred House Bills Nos. 137 and 139, beg leave to report the same back and recommend that said bills be considered in Committee of the whole Council.

Which report was adopted, and the Council resolved itself into a Committee of the Whole on House Bills Nos. 137 and 139, Mr. Potter being appointed to the Chair.

The Committee rose and Mr. POTTER made the following report :

Mr. PRESIDENT : — Your Committee of the Whole having had under consideration House Bills Nos. 137 and 139, have instructed me to recommend that Bill No. 137 pass without amendment, and that Bill No. 139 be amended as follows :

Add a section after section 5, as follows :

This act shall not be so construed as to interfere with any franchise granted to other persons in an act amendatory to an act entitled an act granting to Franklin Ruff, James Heister and others the

right to have and maintain a ferry or bridge across the Jefferson River.

House Bill No. 137 was read third time, and passed by the following vote :

In the affirmative — Messrs. Leavitt, Merriman, Potter, Thompson, and Mr. President.

In the negative, none.

House Bill No. 139 was read third time and passed by the following vote :

In the affirmative — Messrs. Leavitt, Merriman, Potter, Thompson, and Mr. President.

In the negative, none.

On motion of Mr. LEAVITT, the Council adjourned until Monday morning at 10 o'clock.

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THURSDAY, FEBRUARY 9, 1865.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Absent — Mr. Leavitt.

The journal of yesterday was read, corrected and approved.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }  
February 9, 1865. }

*To the Hon. President of the Council :*

SIR : — The Governor returned on the 8th inst. to the House of Representatives House Bill No. 18, An Act to regulate the proceedings in civil cases in the courts of justice of the Territory of Montana, with his objections. The House reconsidered the bill, and passed it over the veto of the Governor. The said bill, with

the objections of the Executive, is herewith transmitted to you for the reconsideration of the Council.

WM. L. BROWN, *Clerk.*

The following message was received from the Governor :

EXECUTIVE OFFICE, BANNACK CITY, }  
February 8, 1865. }

*To the Hon. President of the Council :*

SIR :— I have this day signed Council Bills No. 70, An Act to incorporate the Gallatin Ditch Company ;

No. 90, An Act to incorporate the Montana Quicksilver Company ;

No. 83, An Act to incorporate the Montana Bridge and Ferry Company ;

No. 117, An Act to incorporate the Phoenix Gold and Silver Mining Company ;

No. 121, An Act to incorporate the Kalida Gold and Silver Mining Company ;

No. 123, An Act to incorporate the Ophir and Flat Head River Wagon Road Company.

Respectfully yours,

SIDNEY EDGERTON, *Governor.*

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }  
February 9, 1865. }

*To the Honorable President of the Council :*

SIR :—The House passed this day House Bill No. 144, An Act concerning conveyances. The said bill is transmitted to the Council for its approval ;

The House concurred in the amendments of the Council to House Bill No. 115, An Act for the compensation of Henry Burns ;

Also, the amendment of the Council to House Bill No. 134, An Act granting relief to tax payers were concurred in ;

Amendments of the Council to House Bill No. 12, An Act to incorporate the Junction and Black Tail Deer Creek Wagon Road Company, were concurred in ;



The House still refuses to recede from amendments made to Council Bill No. 125.

WM. L. BROWN, *Clerk*.

Motion of Mr. MERRIMAN, that the Journal be corrected in regard to a motion made by Mr. Thompson to go into joint convention with the House to elect a Territorial Auditor, Treasurer and Superintendent of Public Instruction ;

Which was adopted.

On motion of Mr. POTTER, House Bill No. 18, An Act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana, was, with the objections of the Governor, taken up and the bill passed, the objections of the Governor to the contrary notwithstanding, by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Worden and Mr. President.

In the negative — Mr. Thompson.

Mr. MERRIMAN, from Committee on Enrollment, made the following report :

Mr. PRESIDENT : — Your Committee have examined and found correctly enrolled Council Bill No. 102, An Act to incorporate the Norwegian Gulch Ditch Company ;

Also, Council Joint Resolution No. —, authorizing the Territorial Auditor to issue certain Territorial warrants.

On motion of Mr. BAGG, the Council adjourned to meet with the House in Joint Convention, in pursuance to resolutions of yesterday. After some time spent therein, the Council was again called to order, and the following resolution was introduced by Mr. BAGG.

*Resolved*, That the Sergeant-at-Arms of the Council inform His Excellency, Sidney Edgerton, the Governor, that the Council is in session, and is desirous of receiving any communication he may wish to make.

Was adopted.

House Bill No. 144, An Act concerning conveyances ;

On motion of Mr. BAGG, the rules were suspended, bill read

the first and second times by its title, and referred to Judiciary Committee.

On motion of Mr. BAGG, Council Bill No. 125, An Act relating to gulch, hill and placer mines, was indefinitely postponed.

On motion of Mr. LEAVITT, the Council adjourned until this afternoon at 2 o'clock.

### AFTERNOON SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Leavitt.

Mr. BAGG introduced Council Bill No. 130, An Act to provide for the extra compensation of Haynes and Brown ;

Was read the first time, and rejected.

The following messages were received from the House :

HOUSE OF REPRESENTATIVES, {  
February 9, 1865. }

*To the Hon. President of the Council:*

SIR: — The House did not concur in the amendments of the Council in toto to the House Resolution for the compensation of A. J. Oliver for papers furnished, &c.

They also refused to allow any compensation to D. N. Tilton for papers furnished ;

House Bill No. 145, An Act for the relief of Robert Hereford, passed, and is herewith transmitted to the Council for its approval.

WM. L. BROWN, *Clerk.*

HOUSE OF REPRESENTATIVES, {  
February 9, 1865. }

*To the Honorable President of the Council:*

SIR: — The House passed the following resolution :

*Resolved,* By the Council and House of Representatives of the

Territory of Montana, That all of section 10 of Council Bill No. 31, An Act in relation to counties and county officers, after the word "provided," in line 20, be stricken out, including the word "provided."

WM. L. BROWN, *Clerk*.

Mr. THOMPSON made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 144, concerning conveyances of titles in this Territory, beg leave to report that they have had the same under consideration, and would report the same back, and recommend its passage.

House Bill No. 144, An Act concerning conveyances;

On motion of Mr. WORDEN, the rules were suspended, the bill read the third time by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson Worden and Mr. President.

In the negative, none.

On motion of Mr. BAGG, the Council went into executive session for the consideration of appointments of county officers made by the Governor. After a full consideration of said appointments, the Council came out of executive session, and

On motion of Mr. POTTER, the resolution of the House to amend section 10 of Council Bill No. 31 was taken up, and amendments concurred in by the following vote:

In the affirmative—Messrs. Leavitt, Merriman, Potter, Worden, and Mr. President.

In the negative—Messrs Bagg and Thompson.

On motion of Mr. BAGG, the Council adjourned for one hour.

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The hour being up, the Council met pursuant to adjournment.

The President being absent, on motion of Mr. BAGG, Mr. Thompson was elected president pro tem.

Roll called.

Quorum present.

Absent—Messrs. Potter, Worden and Mr. President.

On motion of Mr. BAGG, the vote passing House Resolution,

repealing a part of section 10 in Council Bill No. 31, An Act concerning counties and county officers, was reconsidered.

Mr. BAGG introduced Council Bill No. 131, An Act to amend an act entitled an act concerning counties and county officers ;

Read first and second times, and on motion of Mr. BAGG the rules were suspended, and the bill read third time by its title, and passed by the following vote :

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Thompson and Worden.

In the negative, none.

On motion of Mr. BAGG, the resolution of the House repealing section 10 of Council Bill No. 31, was indefinitely postponed.

Mr. MERRIMAN, of Committee on Enrollment, made the following report :

Mr. PRESIDENT:—Your Committee on Enrollment report that they have examined and found correctly enrolled Council Bills Nos. 112, 118, 128 and 129 ; also, Joint Resolutions Nos. 11 and 12.

On motion of Mr. BAGG, House Bill No. 145 was taken up, and read first and second times, and on motion of Mr. BAGG the rules were suspended, the bill read third time, and passed by the following vote :

In the affirmative — Messrs Bagg, Leavitt, and Worden.

In the negative — Messrs. Merriman and Thompson.

On motion of Mr. LEAVITT the Council adjourned until seven o'clock this evening.

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### EVENING SESSION.

The Council met pursuant to adjournment.

The President in the chair.

Roll called.

Quorum present.

Absent — Mr. Leavitt.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }  
February 9. 1865. }

*To the Honorable President of the Council:*

SIR:—The House passed Council Bill No. 131, An Act concerning counties and county officers; the said bill is herewith returned to the Council.

WM. L. BROWN, *Clerk.*

Mr. MERRIMAN, of Committee on Enrollment, made the following report:

Mr. PRESIDENT:—Your Committee on Enrollment, report that they have examined, and found correctly enrolled, Council Bill No. 109, An Act regulating the fees of officers, jurors and witnesses.

Mr. POTTER, from Committee on Elections, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred House Bill No. 126, beg leave to report the same back without amendment, and recommend its passage.

On motion of Mr. POTTER, House Bill No. 126, was taken up, rules suspended, and bill read third time by its title, and passed by the following vote:

In the affirmative—Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden, and Mr. President.

In the negative, none.

Mr. LEAVITT, of Committee on Incorporations, made the following report:

Mr. PRESIDENT:—Your Committee to whom was referred Council Bill No. 34, An Act to incorporate the Upper Jefferson Bridge Company, have had the same under consideration, and beg leave to report it back, with the recommendation that it do not pass.

On motion of Mr. MERRIMAN, the rules were suspended, and Council Bill No. 34 was read the third time by its title, and did not pass, the following being the vote:

In the affirmative—Messrs. Merriman, Thompson, and Mr. President.

In the negative—Messrs. Bagg, Leavitt, Potter and Worden.



Mr. THOMPSON introduced Council Bill No. 132, An Act directing the auditor to issue certain warrants ;

Which was read the first and second times, and on motion, the rules were suspended, the bill was read the third time, by its title, and passed by the following vote :

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

On motion of Mr. THOMPSON, the resolution relating to the Territorial Seal was taken up, and on motion that the blank left for the motto be filled by inserting the word "Eldorado," the ayes and noes were demanded, with the following vote resulting :

In the affirmative — Messrs. Leavitt, Merriman, Thompson, and Mr. President.

In the negative — Messrs. Bagg, Potter and Worden.

Motion carried.

Mr. LEAVITT, of Committee on Incorporations, made the following report :

Mr. PRESIDENT:—Your Committee, to whom was referred Council Bill No. 93, An Act to incorporate the Helena Ditch Company, have examined the same, and report it back, with the recommendation that it do not pass.

On motion of Mr. MERRIMAN, Council Bill No. 93 was indefinitely postponed.

Mr. MERRIMAN, of Committee on Enrollment, made the following report :

Mr. PRESIDENT:—Your Committee on Enrollment have examined, and found correctly enrolled, Council Bill No. 131, An Act to amend an act entitled an act concerning counties and county officers.

On motion of Mr. POTTER, Council Joint Resolution No. 13 was amended by striking out the word "Eldorado" and inserting the words "Oro el Plata" in lieu thereof.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }  
February 9, 1865. }

*To the Honorable President of the Council:*

SIR: — The House passed Council Bill No. 132, an act directing the Auditor to issue certain warrants. The said bill is herewith returned to the Council.

WM. L BROWN, *Clerk.*

On motion, Couucil Joint Resolution No. 13, relating to the Territorial Seal, was taken up, and passed by the following vote:

In the affirmative — Messrs. Bagg, Leavitt, Merriman, Potter, Thompson, Worden and Mr. President.

In the negative, none.

Mr. MERRIMAN, from Committee on Enrollment, made the following report:

Mr. PRESIDENT:—Your Committee on Enrollment, have examined, and found correctly enrolled, Council Joint Resolution No. 13, in relation to the Territorial Seal.

Mr. THOMPSON offered the following resolution:

*Resolved*, That the thanks of the Council are hereby tendered to the President for the dignified and impartial manner in which he has discharged his duties during this session; and also to the clerks and other officers of the Council for the faithful performance of their arduous duties.

The resolve was adopted.

Mr. MERRIMAN, from Committee on Enrollment. made the following report:

Mr. PRESIDENT: — Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Council Bill No. 132, An Act authorizing the Territorial Auditor to issue certain warrants.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
February 9, 1865. }

*To the Honorable President of the Council:*

SIR: — The House passed the Council Joint Resolution adopting

a Territorial Seal, which resolution is herewith returned to the Council.

WM. L. BROWN, *Clerk*.

Mr BAGG offered the following resolution:

*Resolved*, That W. P. Edgerton, Page of this Council receive the thanks of its members for the attentive and faithful manner in which he has performed his duties.

Which was adopted.

Mr. MERRIMAN, from Committee on Enrollment made the following report:

Mr. PRESIDENT:—Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Council Joint Resolution No. 13.

The following messages were received from the Governor:

EXECUTIVE OFFICE, BANNACK CITY, {  
February 9, 1865. }

*To the Honorable President of the Council:*

SIR:—I have this day signed the following Council Bills, viz:

No. 109, An Act regulating the fees of officers, &c.;

No. 132, An Act directing the auditor to issue certain warrants;

No. 123, An Act relating to imprisonment for debt;

No. 112, An Act to incorporate the City of Nevada;

No. 31, An Act relating to counties and county officers;

No. 131, An Act to amend an act entitled an act concerning counties and county officers;

No. 124, An Act to incorporate the Montana Town Company;

No. 126, An Act amendatory to an act entitled an act concerning conveyances;

No. 129, An Act to incorporate the Grasshopper Canon Road Company;

No. 127, An Act dissolving the bonds of matrimony between James R. Biglow and Maria W. Biglow;

No. 102, An Act to incorporate the Norwegian Ditch Company;  
Joint Resolution No. 10, relating to the repeal of the laws of Idaho;

Joint Resolution No. 11, in reference to terms of court in the second judicial district;

Joint Resolution No. 12, in reference to holding court in the third judicial district;

Joint Resolution No. 14, relating to milage, pay, &c.

Yours, Respectfully,

SIDNEY EDGERTON, *Governor*.

EXECUTIVE OFFICE, BANNACK CITY, }  
February 9, 1865. }

*To the Honorable President of the Council:*

SIR: — I have this day signed Council Joint Resolution No. 13, relating to the Territorial Seal.

Yours, Respectfully,

SIDNEY EDGERTON, *Governor*.

On motion of Mr. BAGG, the Council adjourned for one hour.

On motion of Mr. THOMPSON, the Council adjourned *sine die*.

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